City of Miami Beach - City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive January 14, 2004

Mayor David Dermer Vice-Mayor Jose Smith Commissioner Matti Herrera Bower Commissioner Simon Cruz Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. 10:45 p.m. Second Reading, Public Hearing (Page 159)

(Planning Department)
(First Reading, Public Hearing on December 10, 2003)

R5 - Ordinances (Continued)

R5B Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902 "Permitted Accessory Uses," Permitting Commercial Uses In Apartment Buildings In The RM-2 District Bounded By Indian Creek Drive, Collins Avenue, 41st Street And 44th Street; Amending Chapter 130, "Off-Street Parking," Article V "Parking Impact Fee Program," Section 130-131, "Generally," By Including An Exception To The Parking Impact Fee Program; Providing For Repealer, Severability, Codification And An Effective Date.

5:01 p.m. Second Reading, Public Hearing (Page 168)

(Planning Department)
(First Reading, Public Hearing on December 10, 2003)

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue, 6300 Collins Avenue, And 6574 To 6650 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. 5:05 p.m. First Reading, Public Hearing (Page 181)

(Planning Department)

An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Nonseverability, And An Effective Date.

First Reading (Page 212)

(Planning Department)

An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date. First Reading (Page 225)

(City Attorney's Office)

R5 - Ordinances (Continued)

An Ordinance Amending The City's Art In Public Places Legislation, As Codified In Chapter 82, Article VII, Divisions 1 Through 4, Sections 82-501 Through 82-612, Of The Code Of The City Of Miami Beach, Florida; Providing For Codification; Repealer; Severability; And An Effective Date. First Reading (Page 229)

(Tourism & Cultural Development)

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Thereof Entitled "Lobbyists," Establishing Exemptions From Definition Of "Lobbyists," Amending Registration Fee Provisions, Expanding Contingency Fee Prohibition; Providing For Repealer, Severability, Codification, And An Effective Date. First Reading (Page 248)

(City Attorney's Office)

R7 - Resolutions

A Resolution Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA), Miami-Dade County, Florida, And The Children's Trust, Miami-Dade County, An Independent Special Taxing District, For The Purpose Of Establishing The Use Of Tax Increment Revenues To Be Derived From The Imposition Of A Not To Exceed One-Half (1/2) Mill Tax Levy By The Trust Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area, Respectfully (The "Trust Revenues"). Joint City Commission And Redevelopment Agency

(Page 257)

A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of West 29th Street Street-End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property Located At 2900 Prairie Avenue; Waiving By 5/7ths Vote, The Competitive Bidding Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. 11:00 a.m. Public Hearing (Page 268)

(Public Works)

Approval Of The Miami Beach Convention Center For Events Involving Adult Materials.

A Resolution Approving The Miami Beach Convention Center As A Location For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes.

5:35 p.m. Second Public Hearing (Page 271)

(Planning Department)

(First Public Hearing on December 10, 2003)

R7 - Resolutions (Continued)

R7D A Resolution Approving The Creation Of Restricted Residential Parking Permit Zone 11/Lake Pancoast; And Expanding Existing Residential Parking Permit Zone Two/Flamingo Park To Include The 500 Block Of Espanola Way.

5:45 p.m. Public Hearing (Page 282)

(Parking Department)

(Deferred from November 25, 2003)

- R7E A Resolution Approving, Appropriating, And Establishing A Work Order, In The Amount Of \$2,439,250 From Parking Revenue Bond Fund No. 481, For The Purchase And Installation Of 250 Multi-Space Parking Pay Stations. (Page 291)

 (Parking Department)
- R7F A Resolution Approving The Second Of Three One (1) Year Renewal Terms Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Both Terms Commencing On March 1, 2004, And Expiring On February 28, 2005, With Options To Renew For One (1) Additional One (1) Year Term, At The Sole Discretion Of The City; And Further Approve The Attached Thirteenth (13th) Amendment To The Administrative Rules And Regulations For The Police Department And Parking Department Towing Permits; Said Amendment Providing For An Increase To The Maximum Allowable Towing Rates; Customer Service Training; Information Items; And Complaints/Sanctions. (Page 302)

(Parking Department)

R7G A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Settlement Agreement Between La Gorce Country Club, Inc., And The City Of Miami Beach, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof. (Page 349)

(City Attorney's Office) (Deferred from December 10, 2003)

R7H A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(B) Requiring Voter Approval Before Lease/Disposal Of City-Owned Park, Recreation, Waterfront Property Should Apply To Additional City Properties (West Of North Shore Open Space; Cultural Campus; And Parking Lots Near 72nd Street, Convention Center, Lincoln Road); Require Planning Board's 4/7 And City Commission's 5/7 Votes Before Lease/Disposal Of Other City-Owned Properties; Increase Exempt Lease Period From Five To Ten Years; Exempt Interest/Settlement Of Claims Existing As Of January 14, 2004. (Page 353)

(City Attorney's Office)

R7 - Resolutions (Continued)

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price Contract With Ric-Man International, Inc., As Lowest And Best Bidder Pursuant To Invitation To Bid No. 22-02/03, For Design Build Services To Design And Construct The Washington Avenue Improvements – Phases 2, 4, And 5 (The Project), In An Amount Not To Exceed \$12,104,429; And Appropriating \$2,168,274.08 From City Center Redevelopment Area Tax Increment Funds; \$686,211.17 From South Pointe Redevelopment Area Tax Increment Funds; \$1,141,570.62 From Stormwater Revenue Bonds – Series 2000; \$37,246.29 From Water And Sewer Bond – Series 2000 Interest; And \$179,985.15 From Parking Enterprise Funds, To Be Used For The Construction Costs, Project Contingency Relating To Owner Requested Changes, And CIP Office Project Management Fees. (Page 365)

(Capital Improvement Projects)

- R7J Water And Waste Water Pump Stations Upgrades Project. (Page 380)
 - A Resolution Approving The Award Of A Contract To The Firm Of Widell, Inc., In The Amount Of \$17,352,615, For Completion Of The Water And Waste Water Pump Station Upgrades Project (Bid No. 99-97/98), Pursuant To The Action(s) Delegated To The City Manager And/Or His Designee Pursuant To Resolution No. 2002-24924; And Further Ratifying Resolution No. 2002-24924 And Herein Re-Affirming The Actions Taken By The City Manager And/Or His Designee. Pursuant Thereto, As Properly Within The City Manager's Authority, As Delegated To Him By The Mayor And City Commission Pursuant To Said Resolution, Including, But Not Limited To Subsequent Actions Taken By The City Manager, On Behalf Of The City, Regarding The City's Contract With FEI, Including But Not Limited To Any And All Actions Related To FEI's Default Under The Contract; Invoking The Performance Bond Under The Contract And Any And All Related Discussions With The Surety, United States Fidelity And Guaranty Company For Purposes Of Enforcement Of The Terms And Conditions Of The Bond; Selection Of The Replacement Contractor, Widell, Inc.; And Any Other Similar Or Related Actions.
 - A Resolution Approving An Amendment To The Agreement With Camp, Dresser And McKee (CDM) To Provide Engineering Services For Upgrading Water And Sewer Pumping Stations; Said Amendment Providing For Construction Administration And Field Oversight Services For The Water And Waste Water Pump Stations Upgrades Project In An Amount Not To Exceed \$500,000.

(Capital Improvement Projects)

R7K A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly. (Page 389)

(City Manager's Office)

(Memorandum & Resolution to be Submitted in Supplemental)

R9 - New Business and Commission Requests

R9A	Board and Committee Appointments. (Page 392) (City Clerk's Office)
R9A1	Nominate Michael Gongora To The Board Of Adjustments. (Page 402) (Requested By Commissioner Richard L. Steinberg) (Deferred from December 10, 2003)
R9A2	Miami Beach Cultural Arts Council Vacancies. (Page 404) (Tourism & Cultural Development)
R9A3	Recommendation Of Appointments To The Personnel Board. (Page 406) (Human Resources)
R9B(1 R9B(2	
R9C	Discussion Regarding The Use Of Channel 20 To Broadcast Public Service Announcements. (Page 416) (Requested by Commissioner Luis R. Garcia, Jr.)
R9D	Discussion Regarding Convention Development Tax. (Page 420) (City Manager's Office)
R9E	Discussion Regarding Vehicle Donation For The Sister City Program Of Ica Peru. (Page 422) (Requested by Commissioner Simon Cruz)
R9F	Discussion Regarding Giving Consulates Stationed In Miami-Dade County Parking Permits. (Page 426) (Requested By Commissioner Simon Cruz)
R9G	Discussion Regarding A Resolution Amending City Of Miami Beach Resolution No. 2003-25124 Creating The City Of Miami Beach Ad Hoc Charter Review And Revision Board So As To Reestablish Its Existence For A Period Of Six Months, With Board Terms Commencing On February 5, 2004 And Expiring On August 6, 2004 (Subject To Earlier Sunset By The City Commission). (Page 428) (Requested by Mayor David Dermer)

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session. (Page 431)

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

<u>La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida</u>. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

<u>City Of Miami Beach Vs. La Gorce Country Club, Inc.</u>, Case No 3D03-2442, Third District Court Of Appeal.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And First Assistant City Attorney Gary Held.

R10B Notice Of Closed Executive Session. (Page 433)

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, LTD., A Florida Limited Partnership; East Coastline Development, LTD., A Florida Limited Partnership; 404 Investments, LTD., A Florida Limited Partnership; Azure Coast Development, LTD., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, LTD., A Florida Limited Partnership; St. Tropez Real Estate Fund, LTD., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, LTD., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, LTD., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DOI-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

R10 - City Attorney Reports (Continued)

R10C Notice Of Closed Executive Session. (Page 435)

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 in The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

<u>Felix Equities, Inc. Vs City Of Miami Beach, United States Fidelity & Guaranty, A Foreign Corporation, And St. Paul Fire & Marine Insurance Co</u>. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-16109 CA 22

In Re: Linc.Net, Inc., Et Al. United States Bankruptcy Court, Southern District Of Florida, Miami Division. Chapter 11, Case Nos. 02-16987-BKC-RAM Through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16987-BKC-RAM)

Atlantic Civil, Inc., A Florida Corporation, Vs. Miami Beach Redevelopment Agency, Vs. National Fire Insurance Company Or Hartford And Kimley-Horn And Associates, Inc., Vs. Kimley-Horn And Insurance Company Inc., Vs. Hazen And Sawyer, P.C. Eleventh Judicial Circuit, General Jurisdiction, Case No. 01-23635 CA 09

<u>City Of Miami Beach Vs. United States Fidelity & Guaranty Company</u>. Miami-Dade County Circuit Court Case No. 03-19303 CA 03

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Assistant City Attorney Rhonda Hasan, And Special Counsel Steve Siegfried.

R10D Notice Of Closed Executive Session. (Page 437)

Pursuant To Section 768.28, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004, To Discuss The Following Risk Management Case:

Claude Tunc And Martine Tunc, Individually, And As Personal Representative Of The Estate Of Stephanie Tunc, Deceased, And Sandrine Tunc Vs. City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-21813 CA 20

The Closed Executive Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

R10E Notice Of Closed Executive Session. (Page 439)

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Collective Bargaining.

(City Manager's Office)

Reports and Informational Items

- A City Attorney's Status Report. (Page 442) (City Attorney's Office)
- B Parking Status Report. (Page 446) (Parking Department)
- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2. (Page 484)

 (Capital Improvement Projects)
- D Status Report On Fire Station No. 4 Project. (Page 486) (Capital Improvement Projects)
- E Status Report On The Scott Rakow Youth Center. (Page 488) (Capital Improvement Projects)
- F Non-City Entities Represented By City Commission:
 - Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of November 11, 2003 And Agenda For The Upcoming Meeting On December 9, 2003. (Page 490) (Requested by Commissioner Matti Herrera Bower)
 - 2. Information Provided By PACT Regarding The Inspector General's Report. (Page 500) (Requested by Commissioner Matti Herrera Bower)
 - Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of December 9, 2003, The December 8, 2003 PACT Executive Committee Meeting And Agenda For The Upcoming Meeting On January 15, 2004. (Page 512) (Requested by Commissioner Matti Herrera Bower)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 http://ci.miami-beach.fl.us



OFFICE OF THE CITY CLERK

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

- 1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
- 2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is http://ci.miami-beach.fl.us.
- Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, Fl 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
- 4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
- All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a <u>public hearing</u> may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
- 6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of <u>fifteen minutes total</u> allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

City Clerk: 3/2001

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CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)

February 4 (Wednesday)

February 25 (Wednesday)

March 17 (Wednesday)

April 14 (Wednesday)

May 5 (Wednesday)

May 26 (Wednesday)

June 9 (Wednesday)

July 7 (Wednesday)

July 28 (Wednesday)

<u>August City Commission in Recess – NO MEETINGS</u>

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

An ordinance of the Mayor and City Commission amending Chapter 142, "Land Development Regulations," of the City Code; Division 7. "CCC, Civic and Convention Center district," in order to allow waivers of development regulations by a five-sevenths vote of the City Commission.

Issue:

The City Commission already has the discretion to waive the development regulations in the GU, Government Use districts. Should the Commission have the same discretion in the CCC district?

Item Summary/Recommendation:

Currently the City Code allows the City Commission to waive development regulations in the GU, Government Use district; however the CCC, Civic and Convention Center regulations do not have the same provision.

The Administration recommends that the City Commission approve the proposed amendment.

Advisory Board Recommendation:

At the September 30, 2003 meeting, the Planning Board considered the proposed ordinance and made the following motion by a vote of 5-0 (2 members absent):

- Recommend approval of the ordinance granting the City Commission, by a 5/7ths vote, the power to waive solely for the New World Symphony, the parking requirements that otherwise would be applicable in the LDRs; provided,
- City Commission simultaneously commit to proved the spaces in a new parking facility within 1200 ft.;
- The Planning Board stated that they feel very strongly that no other aspect of the LDRs should be modified until there is a fully designed project.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

į	City Clerk's Office Legislative Tracking:
	Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	cuc	Jacx

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AGENDA ITEM RSA

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Second Reading Public Hearing

Subject:

CCC, Civic and Convention Center District amendment to include provisions for waivers of

development regulations by the City Commission.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT. EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES: AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION. REPEALER. SEVERABILITY AND **EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

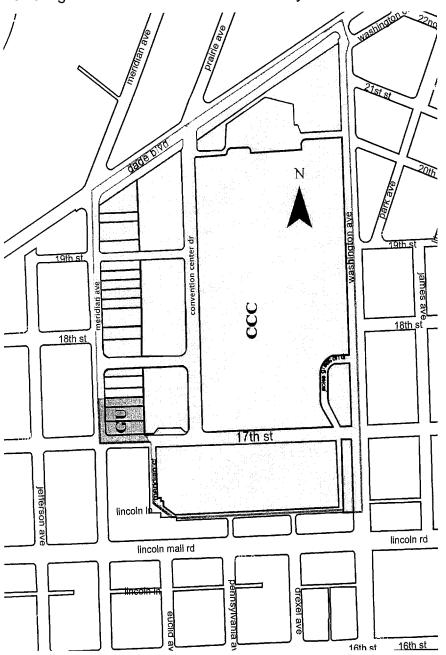
The Administration recommends that the City Commission adopt the proposed ordinance after the second reading public hearing.

ANALYSIS

As shown on the locational map below, the boundaries of the CCC district are Dade Boulevard to the north, Washington Avenue to the east, North Lincoln Lane to the south with the west boundary on Meridian Court from No. Lincoln Lane to the north lot line of the 777 17th Street building (City Hall Annex) and Meridian Avenue.

The proposed ordinance consists of the following:

<u>Section 1.</u> The ordinance proposes to amend the public notice requirements currently existing in the CCC district for consistency with those that exist in the GU, Government Use



district, which requires a 15-day newspaper and mailed notice to property owners within a 375' radius. This proposed change will also be consistent with the notice requirements of the City's development boards.

Section 2. This proposed tracks ordinance language that empowers the City Commission to waive certain development regulations with respect to City-owned property that is zoned "GU, Government Use" such as setbacks, parking, height and other requirements as may be necessary, by amending the "CCC" District section of the Land Development Regulations of the City Code, to allow for the same procedure for City owned land in the "CCC" District.

The purpose for these amendments is one of achieving efficiency and effectiveness. The New World Symphony proposal will require the use of this authority by the City

Commission to waive regulations. By having the City Code amended at this time, efficiency will be achieved as there will be a process in place whereby the City Commission can act expeditiously.

The properties that lie within a GU or the CCC districts are government-owned and it stands to reason that if the GU already permits waivers of development regulations by the

City Commission, the CCC district regulations should also give the City Commission the same discretion. These proposed amendments seek to make the Land Development Regulations of the City Code more consistent for different but related zoning districts.

PLANNING BOARD ACTION

At its July 2, 2003 meeting, the City Commission referred the proposed ordinance to the Planning Board for its review and recommendations. The Planning Board met on July 29, 2003, and commented that the City Commission should not waive all development regulations as a general policy; that it is better to look at waivers of development regulations and variances on a case by case basis and based on the merits of the specific project. The Board commented further that they believed that the Commission should even reconsider its policy of waiving development regulations in the GU district, and by a vote of 6-0 (1 member absent) recommended that the City Commission not adopt the proposed ordinance.

At the request of the Administration, the Planning Board reconsidered the proposed ordinance at the September 30, 2003 meeting, and made the following motion: Recommend the amendment to Section 142-368 to grant to the City Commission the power by a 5/7ths vote solely to waive for the New World Symphony the parking requirements that otherwise would be applicable in the Land Development Regulations, so long as the City Commission simultaneously commits to provide the spaces that would otherwise be required, in a new parking facility within 1200 feet. The Board also stated that they feel very strongly that no other aspect of the land development regulations should be modified until there is a fully designed project presented.

The motion was approved by a vote 5-0 (2 members absent).

CITY COMMISSION ACTION

The Commission opened and continued the first reading public hearing to September 10, 2003 at 2:00 p.m., and was again continued to the December 10, 2003 meeting.

At the December 10, 2003 meeting, the Commission approved the ordinance on first reading subject to an amendment that clarifies what kind of cultural institutions that would be eligible for the waiver. The amendment is incorporated in the revised ordinance.

CONCLUSION

Pursuant to Section 118-164(3)a. of the City Code, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the City.

JMG/CMC/JGG/ML

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ORDINA	ANCE	NO.	

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142. "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT." IN ORDER TO ALLOW WAIVERS **DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE** COMMISSION FOR DEVELOPMENTS CITY PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS. OR CONVENTION CENTER HOTEL ACCESSORY GARAGES. OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, as provided in City Code Sections 142-361 and -362, the purpose of the CCC District is for "the facilities necessary to support the convention center," and the district allows as main permitted uses: "parking lots, garages, performing arts and cultural facilities; hotel; merchandise mart; commercial or office development; landscape open space; parks, [and] any use not listed above shall only be approved after the City Commission holds a public hearing"; and

WHEREAS, the regulations that exist in the CCC, Civic and Convention Center district do not parallel those in the GU, Government Use district, although the properties within both districts are government-owned or leased; and

WHEREAS, in order to create consistency in the City Code relative to regulations for government-owned or leased properties it is necessary to amend the CCC regulations in the Code; and

WHEREAS, the proposed amendments will achieve consistency between the GU and CCC districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That Chapter 142, Zoning Districts and Regulations, Division 7, CCC Civic and Convention Center District, Section 142-367, Notice of public hearing; vote, is hereby amended as follows:

Sec. 142-367. Notice of public hearing; vote.

When a public hearing is required before the City Commission, either to approve a use not listed in section 142-362, or to waive development regulations, the public notice shall be advertised in a newspaper of general paid circulation in the community city at least fifteen (15) days prior to the hearing. Thirty Fifteen days prior to the public hearing date, both a description of the request, and the time and place of such hearing shall be posted on the property; notice shall also be given by mail to the owners of land lying within 375 feet of the property and the advertisement shall be placed in the newspaper. A five-sevenths vote of the City Commission is required to approve a use or waiver that is considered under this subsection regulation.

Section 2. That Sections 142-368 – 142-390. Reserved, is hereby amended as follows:

Sec. 142-368. Waivers.

Following a public hearing, the development regulations required by these Land Development Regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the City Commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no CCC property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of CCC property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the City Commission. All such private or joint government/private uses are allowed to apply for any permitted variances. Private or joint government/private uses shall not be eligible to waive any regulations as described in this paragraph, except for not-for-profit, educational, or cultural organizations with 501C (3) designation under the U.S. Internal Revenue Code as set forth herein.

Secs. 142-369 368–142-390 Reserved.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

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This Ordinance shall take effect ten d	ays following adoption.
PASSED and ADOPTED this	day of, 2003.
ATTEST:	MAYOR
CITY CLERK First Reading: December 10, 2003 Second Reading:	APPROVED AS TO FORM AND LANGUAGE & FOR EXECUTION City Attorney Date
Verified by: Jorge G. Gomez, AICP Planning Director	
<u>Underscore</u> denotes new language	

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 10:45 a.m., to consider the following:

AN ORDINANCE AMENDING CHAPTER 142 "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE, DIVISION 7, CCC CIVIC AND CONVENTION CENTER DISTRICT, OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE IN ORDER TO ALLOW WAIVERS OF DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS, PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305)673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fia. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218(TTY) five days in advance to initiate your request. TTY users may also

(Ad #0234)

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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An Ordinance of the Mayor and City Commission of the City Of Miami Beach, Florida, amending the Land Development Regulations of the Code of the City Of Miami Beach, to allow commercial and retail accessory uses in apartment buildings in the RM-2, Residential Multifamily medium intensity zoning district and to provide the required parking.

Issue:

Should the City Commission amend the Land Development Regulations to permit commercial/retail accessory uses in apartment buildings?

Item Summary/Recommendation:

Currently the City Code does not permit accessory commercial/retail uses in apartment buildings in the RM-2 zoning district, but they are permitted in hotels.

The Administration recommends that the City Commission adopt the ordinance after the second reading public hearing.

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City Commission approval of this request.

The Land Use and Development Committee discussed this item at its December 8, 2003 meeting and deferred the item for discussion by the full Commission.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sian-Offs:

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AGENDA ITEM <u>RSB</u>

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Second Reading Public Hearing

Date: January 14, 2004

Subject:

Amendment to allow commercial and retail accessory uses in apartment buildings in

the RM-2, Residential Multifamily medium intensity zoning district.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES", PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET: AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V "PARKING IMPACT FEE PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO THE PARKING IMPACT FEE PROGRAM: PROVIDING FOR REPEALER. SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

BACKGROUND

The applicant, 4360 Collins, LLC, is constructing a new 8-story residential apartment building at 4360 Collins Avenue. Their building site is located in the RM-2 Residential multifamily medium intensity zoning district, between Collins Avenue on the east and Indian Creek Drive on the west. During the design review process, the Historic Preservation Board recommended that the proposed apartment building incorporate commercial uses on the ground floor in order to provide an active pedestrian environment along the building frontage. However, while commercial/retail uses are permitted as accessory uses in apartment buildings in the RM-3 zoning district, the same is not true in the RM-2 district.

The applicant subsequently made application to change the text of the Miami Beach Land Development Regulations, in order to permit accessory commercial uses in apartment buildings within the RM-2 zoning district, where such district fronts upon an adjacent RM-3 zoning district.

Currently, accessory commercial uses are permitted along the first floor frontages in buildings located in the RM-3 districts. The proposed amending ordinance would broaden this to allow accessory commercial uses along the first floor frontages of buildings in the RM-2 zoning district, when the site is directly adjacent to an RM-3 zoning district but only in the area that is bounded by 41st Street on the south, 44th Street on the north, Collins Avenue on the east and Indian Creek Drive on the west - an area that may be able to support such uses. For the Commission's information, page 4 of this Memorandum contains a land use map for the entire corridor comprising the RM-2 zoning district from 26th Street to 44th Street. The commercial uses would be located in ground-floor space not to exceed 70% of the ground floor and have direct access to the street.

It should be noted that a similar provision for commercial uses currently exists in the City Code, whereby stand-alone parking garages in the RM-2, when fronting an RM-3 district may contain first floor accessory commercial uses.

ANALYSIS

The applicant applied for this proposed amendment to the Land Development Code in order to accommodate the request of the Historic Preservation Board to incorporate commercial uses on the ground floor of their proposed project, in order to provide an active pedestrian environment along the building frontage. Planning Department staff worked with the applicant to help craft a proposed ordinance that would be limited in scope to a specified area within Miami Beach. The revised ordinance limits the affected area in the RM-2 zoning district along Collins Avenue, between 26th Street to 44th Street only to extend from 41st Street to 44th Street. This area directly fronts upon the RM-3 zoning district, and is characterized by medium-intensity apartment and hotel development. The adjacent RM-3 district across the street contains high-intensity hotels and apartment buildings, some of which also contain accessory commercial uses on the ground floor.

Of concern was the potential for the accessory commercial uses to be disruptive to single-family homes located across the Indian Creek Waterway from the subject area. Therefore, it was suggested to limit these uses to the frontage facing Collins Avenue, away from the Creek and abutting residences. The improved pedestrian environment created along the Collins Avenue corridor should benefit the area, without resulting in negative impacts to surrounding properties. However, at the September 2003 meeting, the Planning Board believed that allowing the commercial uses on the Indian Creek Drive portion of the district would enliven the area and would start creating a better pedestrian experience.

The revised ordinance proposes to limit the commercial uses to eating and drinking establishments, but would prohibit dance halls and all kinds of entertainment establishments; it would also prohibit outdoor music, including background music. In addition, after discussions with the Planning Department staff, the applicant included a

provision in the proposed ordinance that requires all new construction to provide all the required parking instead of paying a fee in lieu of providing the parking. The area that would be affected by the amendment is within a historic district, and as such, Section 130-131 of the Code provides for a fee payment in lieu of providing the parking. Notwithstanding the provisions of the City Code, the Administration believes that when a new building is designed such as what is being proposed in this district, the required parking should be incorporated within. It is a known fact that there is a parking shortage in this area and the provision of all the required parking would tremendously improve the deficit. Another reason for this provision is that when allowed, these commercial uses in the RM-2 are accessory to a parking structure and therefore all of the parking is provided.

With regard to the provision of all required parking in this particular RM-2 district in a historic district, the revised ordinance contains a cross-reference to Section 130-131 relative to providing all the required parking rather than paying a fee. This clarifying amendment would ensure clarity when reading a separate section of the City Code.

PLANNING BOARD ACTION

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City Commission approval of this request.

LAND USE COMMITTEE

This matter was discussed by the Land Use and Development Committee at its December 8, 2003 meeting, and was deferred for discussion to the full Commission.

CITY COMMISSION ACTION

At its December 10, 2003 meeting, the Commission approved the ordinance on first reading subject to the following amendment:

- 1. Any outdoor uses on Indian Creek will be limited to 11:00 p.m.
- 2. No variances from this provision.

CONCLUSION

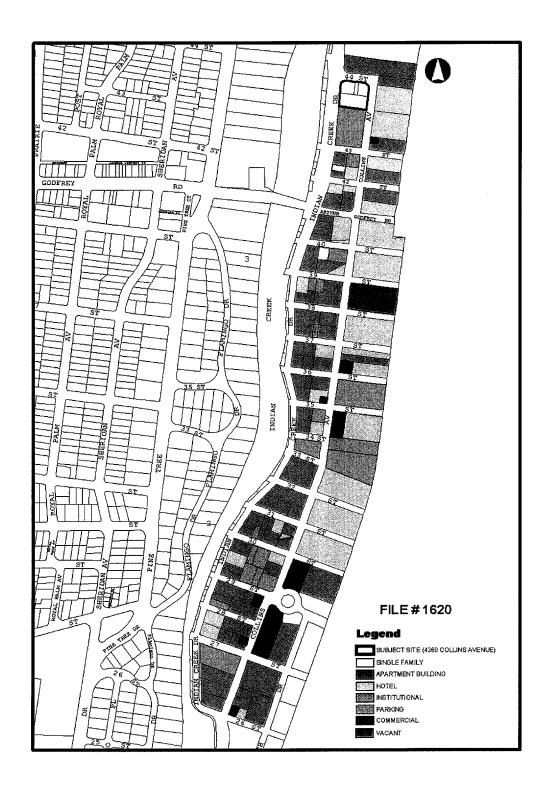
When the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category the City Commission shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. Immediately following the public hearing at the second reading, the City Commission may

adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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LAND USE STUDY OF THE BOUNDARIES OF THE RM-2 DISTRICT FROM 26^{TH} TO 44^{TH} STREETS.



ORDIN	ANCE	NO.	

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES", PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET; AMENDING CHAPTER 130, "OFF-PARKING," ARTICLE V "PARKING IMPACT STREET PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO THE PARKING IMPACT FEE PROGRAM; PROVIDING FOR REPEALER. SEVERABILITY. CODIFICATION AND AN **EFFECTIVE DATE.**

WHEREAS, the City of Miami Beach Land Development Regulations contain an article for accessory uses; and

WHEREAS, the City desires to activate the greenway along the Indian Creek Waterway with pedestrian uses particularly between 41st and 44th Street; and

WHEREAS, the apartment buildings in the RM-2 district in such area are currently not permitted to have restaurant or retail uses on the ground floor, accessible from the streets; and

WHEREAS, this proposed amendment accomplishes the above purpose by allowing limited restaurant and retail uses in such area; and

WHEREAS, the Planning Board, at its meeting of October 28, 2003, by a vote of 5-0, recommended approval of this proposed amendment to the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, of the Land Development Regulations, are hereby amended to read as follows:

Article IV, Supplementary District Regulations

Division 2. Accessory Uses

Sec. 142-902. Permitted accessory uses.

The following are permitted accessory uses:

- (1) a. Hotels not located in the RM-1 or RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building.
 - b. Hotels located in the RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building, except for dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments.
 - c. Where permitted, hotels located in the RM-1 district may have accessory uses based upon the below criteria:
 - A dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the South Florida Building Code.
 - Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.
- (2) Apartment buildings may have accessory uses based upon the below criteria:
 - a. Mechanical support equipment and administrative offices and uses that maintain the operation of the building.
 - b. Washers and dryers shall be located inside a structure or not visible from a right-of-way.
 - c. A dining room which is operated solely for the residents in the building shall be located inside the building and shall not be visible from the street with no exterior signs, entrances or exits except for those required by the South Florida Building Code. However, a dining room shall not be allowed in the RM-1 district except for those dining rooms associated with adult congregate living facilities.
 - d. Public telephones and vending machines shall only be permitted to be located inside buildings; however, one public telephone may also be permitted outside, as long as it is not located in a required front yard, required side yard facing a street, or on a facade facing a street; the exact location and manner of placement of all public telephones shall be subject to design review approval. One automatic teller machine shall be permitted on the exterior walls of buildings, when associated with an accessory commercial use allowed under subsection 142-902(2)e., except in historic districts. The exact location and manner of placement for automatic teller machines shall be subject to design review approval.

- e. Buildings in the RM-3 and R-PS4 districts may have commercial, office, eating or drinking uses with access to the street if they are either located in the ground floor space, subterranean level or in the highest floor of a building; however, office space, when located on the ground floor, shall be at least 50 feet from the front property line.
- f. Solarium, sauna, exercise studio, health club or massage service for use by residents or open to the public by an individual licensed by the state or other appropriate agencies.
- g. Any accessory commercial, office, or retail uses as permitted herein shall not be located on any floor, except the lobby or first floor, where if there are no apartment units on such levels. This provision shall not apply to home based business offices as provided for in section 142-1411.
- h. Family day care centers as defined in subsection 142-905(b)(1).
- Buildings in the RM-2 district in the area bounded by Indian Creek Drive, į. Collins Avenue, 41st Street and 44th Street that face the RM-3 district may have restaurant, coffee house, sundry shops, or food market uses located in ground floor space not to exceed 70% of the ground floor. These uses may have direct access to the street. Dance halls, entertainment establishments, outdoor establishments. neighborhood impact entertainment establishments, or open air entertainment establishments are not permitted. Outdoor music (including background music) is prohibited. Any outdoor uses on Indian Creek Drive shall be limited to no later than 11:00 p.m. Parking requirements for accessory commercial uses in newly constructed buildings must be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking. There shall be no variances from these provisions.
- (3) An apartment hotel located on an oceanfront or bayfront lot shall be permitted to have any accessory use that is commonly associated with a hotel if the use meets the below criteria and those listed in section 142-901.
 - a. Seventy-five percent of the total units shall be hotel rooms or the building shall contain at least 100 hotel rooms.
 - b. The registration desk shall be staffed 24 hours per day.
 - c. Open key and mail compartments for the hotel units.
 - d. Central telephone switchboard directly connected to the hotel units.
 - e. The hotel units shall have independent electrical and water meters from the apartment units.
 - f. The applicant shall provide the city with a listing of the hotel units prior to the issuance of an occupational license.

- (4) Office, retail and commercial uses shall be permitted to have the following accessory uses:
 - a. Storage of supplies or merchandise normally carried in stock in connection with a permitted use.
 - b. Accessory off-street parking and loading spaces, subject to applicable district regulations.
 - c. Public telephones and vending machines shall only be permitted to be located inside buildings; however, one public telephone may also be permitted outside, as long as it is not located on a facade facing a street; the exact location and manner of placement shall be subject to design review approval. Service stations may also have public telephones outside, but no more than two and at a single location in full view of the station attendant; the exact location and manner of placement shall be subject to design review approval. Automatic teller machines shall be permitted on the exterior walls of buildings. The exact location, number and manner of placement for automatic teller machines shall be subject to design review approval.
- (5) Industrial accessory uses shall be limited to the following:
 - a. Storage of goods used in, or produced by, permitted industrial uses or related activities.
 - Accessory off-street parking and loading spaces.

SECTION 2. That, Chapter 130, "Off-Street Parking," Article V, "Parking Impact Fee Program," Section 130-131, "Generally," is hereby amended as follows:

A parking impact fee may be paid to the city in lieu of providing required parking on-site, or within 1,200 feet of the site in the architectural district or otherwise within 500 feet of the site, only in the following instances: except that parking requirements for accessory commercial uses in newly constructed buildings within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41st Street on the south and 44th Street on the north shall be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking.

SECTION 3. REPEALER

All ordinances or parts of ordinances *in* conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect ten da	ays following a	doption.	
PASSED AND ADOPTED this	day of		_, 2003.
A TT TO T			MAYOR
ATTEST:			
CITY CLERK			ROVED AS TO FORM E & FOR EXECUTION
	M ALL ad City A	ttorney	1-5-04 Date
First Reading: December 10, 2003 Second Reading:			
Verified by: Jorge G. Gomez, AICP Planning Director	-		
<u>Underscore</u> denotes new language Strikethrough denotes deleted language	ge		

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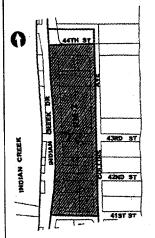
CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING



The City of Miami Beach proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES," PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET; AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V "PARKING IMPACT FEE PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO

THE PARKING IMPACT FEE PROGRAM; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.



A public hearing on the ordinance will be held on January 14, 2004 at 5:01 p.m. in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. To request this material in accessible format,

sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service)



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CITY OF MIAMI BEACH **COMMISSION ITEM SUMMARY**



C	on	de	ne	ed	Tit	le:

First Reading Public Hearing - Proposed Designation of the North Beach Resort Historic District

Issue:

The Administration is requesting that the Mayor and City Commission consider the proposed designation of the North Beach Resort Historic District.

Item Summary/Recommendation:

Approve the proposed amending ordinance on first reading public hearing by designating the North Beach Resort Historic District with the boundaries as recommended by the Planning Board and schedule a second reading public hearing for February 4, 2004.

Advisory Board Recommendation:

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with modifications.

On December 2, 2003, the Planning Board approved a motion (5 to 0; 2 absences) to recommend approval of the North Beach Resort Historic District with modifications to the boundaries as suggested by the Planning Department staff.

On December 10, 2003, the Mayor and City Commission adopted a resolution to schedule a first reading public hearing on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner

Sign-Offs:

Assistant City Manager City Manager Department Director

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AGENDA ITEM <u>R5C</u>
DATE <u>1-14-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

FIRST READING PUBLIC HEARING - HISTORIC DESIGNATION

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC **DESIGNATION": AMENDING** SECTION 118-593(E). **PRESERVATION** "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTER LINE OF 71ST STREET TO THE NORTH, THE CENTER LINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE, 6300 COLLINS AVENUE, AND 6574 TO 6650 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN TO THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH BEACH RESORT HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the proposed amending ordinance on first reading public hearing by designating the North Beach Resort Historic District with the boundaries as recommended by the Planning Board and schedule a second reading public hearing for February 4, 2004.

BACKGROUND

On May 4, 1998, the Historic Preservation Board directed staff to proceed with research and prepare a preliminary evaluation and recommendation relative to identifying and proposing historic designation protection to areas, sites, and structures along the Collins Avenue corridor north of the National Register Historic District. The Planning Department has intensively researched the areas along the Collins Avenue corridor, including Indian Creek Drive, Harding Avenue, and the cross streets from 22nd Street to 87th Terrace, as well as the Lake Pancoast multi-family residential neighborhood due west of the lake; staff developed six volumes of historical documentation.

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On January 31, 2001, the City Commission unanimously approved the designation (7 to 0) of the Collins Waterfront Historic District. A major portion of the Collins Avenue corridor is included in this historic district, which extends from 22nd Street to the new relocated center line of 44th Street.

In October and December of 2001, the Planning Department received three separate letters of request from Randall Robinson, member of the Historic Preservation Board; Michael Kinerk, Chairman of the Miami Design Preservation League; and Leonard Wien, Chairman of the Urban Arts Committee; to place an item on the agenda of the Historic Preservation Board at their next available meeting. This item of request was for the Historic Preservation Board to consider directing Planning Department staff to prepare a preliminary evaluation and recommendation report relative to the possible designation of a portion of Collins Avenue, generally from 6084 Collins Avenue to the center line of 72nd Street, as a local historic district.

On December 11, 2001, the Historic Preservation Board unanimously approved a motion (7 to 0) to direct Planning Department staff to proceed with research and prepare a preliminary evaluation report with recommendations regarding the possible designation of this new historic district. Further, the Board modified the boundaries of the proposed historic district because it was believed that preservation protection in North Beach might best be conducted in a series of phases. These phases would be prioritized according to those areas which contain significant concentrations of historic buildings and possess a threat of demolition. The proposed historic district is the second phase of the expanded preservation protection process along the Collins Avenue corridor and the first phase in North Beach.

Following the December 11, 2001, meeting, staff identified that the Harding Hotel, located at 210-63rd Street (also known as 6077 Indian Creek Drive), was inadvertently omitted from the boundaries of the proposed historic district in the notice of public hearing. A revised public notice was then distributed which clearly showed the possible inclusion of the Harding Hotel within the boundaries of the proposed historic district. At its February 12, 2002, meeting, the Historic Preservation Board approved a motion (6 to 1) to include the Harding Hotel within the boundaries of the proposed historic district.

The proposed historic district (as represented in the preliminary evaluation and recommendation report) is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of 71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue, 6300 Collins Avenue, 6490 to 6498 Collins Avenue, and 6574 to 6650 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east.

On February 12, 2002, the Historic Preservation Board reviewed the preliminary evaluation and recommendation report prepared by the staff of the Planning Department regarding the designation of the proposed North Shore Resort Historic District, and they found the structures and sites located within the boundaries of the proposed historic district to be in compliance with the criteria for designation listed in Sections 118-591 through 118-593 in the Land Development Regulations of the City Code. The Board unanimously approved a motion (7 to 0) to direct staff to prepare a designation report and schedule a public hearing relative to the designation of this new historic district. At the same meeting, the Board approved a motion (7 to 0) to change the name of the proposed district from the North Shore Resort Historic District to the North Beach Resort Historic District. This amendment was made in response to the North Beach Development Corporation, who requested that the district name be revised in order for it to be consistent with their strategic plan of neighborhood identities in North Beach.

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On April 17, 2002, the Planning Department hosted a courtesy public workshop at the Shane Watersports Center at 6500 Indian Creek Drive. The focus of the community workshop was to discuss the possible historic designation of the proposed North Beach Resort Historic District. Approximately 40 persons were in attendance at the meeting. A City Commissioner and two members of the Historic Preservation Board were also present to observe the public workshop. A presentation was made by the Planning Department staff, which included: a description of the boundaries of the proposed historic district, an overview of the historic designation process, the historical and architectural background of the proposed historic district, the effects of historic designation on the individual property owner, and an overview of the role of historic preservation in the economic and architectural revitalization of North Beach.

Following the presentation, staff conducted a public question and answer discussion session in order for local citizens to express their views and relay their concerns prior to the historic designation hearing of the Historic Preservation Board on April 24, 2002. Serious concerns were raised by local citizens about the pending designation of the North Beach Resort Historic District. Several issues expressed at the public workshop included the following: the current conditions and general quality of the architecture of the buildings within the proposed historic district; whether much of the existing construction has exceeded its functional usefulness and should be replaced with modern structures that meet today's Florida Building Code and programmatic requirements; the inclusion of the 63rd Street flyover as a contributing mid-20th century engineering structure in the proposed historic district; more regulatory flexibility in addressing modern business and technical needs; and the potential development of a companion ordinance to address special conditions in this area, such as the need for on-site and off-site parking, the introduction of oceanfront balconies, and the construction of rooftop additions more than one story in height. Additional comments and concerns expressed at the public workshop that were not specifically related to the historic designation evaluation criteria included: the removal of the 63rd Street flyover and the reconstruction of the 63rd Street and Collins Avenue intersection; traffic congestion and the limited availability of parking in the area; a desire for a decrease in hotel and entertainment uses in the area and an increase in residential uses; the possible hindrance of economic development in the area due to historic designation; and the need for the development of a master plan for North Beach that includes an analysis relative to the possible historic designation of the area.

On April 24, 2002, the Historic Preservation Board discussed the possible designation of the North Beach Resort Historic District with staff, individual property owners, and other interested members of the public. In light of the significant concerns expressed at the April 17, 2002, courtesy public workshop, the Board approved a motion to continue the designation public hearing of the proposed North Beach Resort Historic District until a later date.

On February 11, 2003, the Historic Preservation Board approved a motion to extend by six months the time frame for the Planning Department to continue its research and complete the designation report for the proposed North Beach Resort Historic District. Under advice from legal counsel, this extension of time was formally ratified by the Board at its March 11, 2003, meeting following a courtesy notice of public hearing.

On August 4, 2003, the Planning Department hosted a second courtesy public workshop in the First Floor Conference Room at City Hall. There were approximately 28 persons in attendance at the meeting, including property owners, staff, and other interested parties. Following the presentation of the proposed historic district by staff, there was a public question and answer discussion.

The following comments and concerns were expressed at the second courtesy public workshop: the amount of available FAR and the development potential for the contributing property sites in the

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proposed historic district; the possible negative effects from potential and previously approved development projects in the area on concurrency management, emergency evacuation procedures, and the general quality of life; the impact on the availability of affordable housing with the recent trend toward demolition of older buildings and the construction of new upscale, less affordable condominium buildings; the potential removal of the 63rd Street flyover and reconstruction of a 63rd Street and Collins Avenue grade-level intersection; traffic congestion and the limited availability of parking in the area; the inclusion of certain buildings in the proposed historic district, such as the Monte Carlo and Carillon Hotels, may prolong their current poor conditions; the amount of flexibility for alterations to contributing buildings on their elevations facing the street versus the oceanfront; and a request for the designation of additional historic districts in North Beach to preserve the area's special architectural character. Overall, there appeared to be a consensus of general support for the designation of the proposed North Beach Resort Historic District at this second courtesy public workshop. No strong objections were presented against designation.

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with two modifications. First, the district boundaries were modified to exclude the Forde Ocean Apartments at 6605 Collins Avenue and the Broadwater Beach Apartments at 6490-6498 Collins Avenue. Second, the contributing properties located on the west side of Collins Avenue from the Rowe Motel at 6574-6600 Collins Avenue north to the center line of 67th Street were reclassified. These properties retained contributing status for the first (easternmost) 20 feet of their respective sites; however, the remaining portions of the properties to the west were changed to noncontributing. (See attached Map 1A for historic district boundaries as recommended by the Historic Preservation Board on August 12, 2003.)

At the same meeting, the Historic Preservation Board expressed its agreement with staff that significant flexibility be retained in the development regulations for the proposed North Beach Resort Historic District in order to permit the type of quality redevelopment necessary to stimulate the economic growth of the area. The Board approved the preparation of a companion ordinance amendment for rooftop additions in the district for presentation to the Planning Board and City Commission along with the designation report. Currently, the Land Development Regulations of the City Code would only permit a one story rooftop addition for existing buildings in the district. The proposed ordinance amendment would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories to have a two story rooftop addition. Existing buildings of five stories or less may not have more than a one story rooftop addition.

On November 12, 2003, the Planning Department staff presented the proposed rooftop addition companion ordinance to the Historic Preservation Board for discussion purposes along with the amended Special Review Guidelines in the North Beach Resort Historic District Designation Report (see **Section XI**). The Board expressed no concerns. On December 9, 2003, the Board approved separate motions (6 to 0; 1 absence) to recommend approval of the proposed rooftop addition companion ordinance as well as the amended Special Review Guidelines for the district.

On December 2, 2003, the Planning Board approved a motion (5 to 0; 2 absences) to recommend approval of the North Beach Resort Historic District with modifications to the district boundaries as suggested by the Planning Department staff. In accordance with these modifications, the contributing properties which would be <u>excluded</u> from the district boundaries are the following: the Stephen Foster Apartment Hotel (now the Lombardy Inn) at 6300 Collins Avenue, the Rowe Motel at 6600 Collins Avenue, the commercial buildings from 6606 to 6650 Collins Avenue, and the Normandy Plaza Hotel at 6979 Collins Avenue. At the same meeting, the Board continued the proposed rooftop addition companion ordinance for the district to the January 27, 2004, meeting due

to the loss of a quorum. (See attached **Map 1B** for historic district boundaries as recommended by the Planning Board on December 2, 2003.)

DESIGNATION PROCESS

The designation report for a proposed historic district is required to be presented to the Historic Preservation Board and the Planning Board at separate public hearings. Following public input, the Historic Preservation Board votes on whether or not the proposed historic district meets the criteria listed in the Land Development Regulations of the City Code and transmits a recommendation on historic designation to the Planning Board and City Commission. If the Historic Preservation Board votes against the designation, no further action is required. If the Historic Preservation Board votes in favor of designation, the Planning Board reviews the designation report and formulates its own recommendation. The recommendations of both Boards, along with the designation report, are presented to the City Commission. Because in this instance the proposed ordinance involves an area of ten (10) contiguous acres or more, the City Commission must hold two (2) public hearings on the designation. Upon conclusion of the second hearing, the City Commission can immediately adopt the ordinance with a 5/7 majority vote.

RELATION TO ORDINANCE CRITERIA

- 1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
 - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as Historic Buildings, Historic Structures, Historic Improvements, Historic Landscape Features, Historic Interiors (architecturally significant public portions only), Historic Sites or Historic Districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the City of Miami Beach, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
 - (1) Association with events that have made a significant contribution to the history of Miami Beach, the county, state or nation;
 - (2) Association with the lives of Persons significant in our past history;
 - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
 - (4) Possesses high artistic values;
 - (5) Represent the work of a master; serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - (6) Have yielded, or are likely to yield, information important in pre-history or history;
 - (7) Listed in the National Register of Historic Places;

- (8) Consist of a geographically definable area that possesses a significant concentration of Sites, Buildings or Structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
- (b) A Building, Structure (including the public portions of the interior), Improvement or Landscape Feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
- 2. The proposed North Beach Resort Historic District is eligible for designation as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
 - (a) Staff finds the proposed historic district to be eligible for historic designation and in conformance with the designation criteria for the following reasons:
 - (1) Association with events that have made a significant contribution to the history of Miami Beach, the county, state or nation;

Following World War II, there were large tracts of land in this area of North Beach that still remained undeveloped; they were the perfect sites for new, glamorous resort hotels that were now in popular demand. The booming post war economy as well as the retooling of America's war plants to peacetime industries gave a growing middle class more leisure time, expendable income, and affordable automobiles; these factors brought a flood of tourists to Miami Beach. Other new technologies (such as air conditioning, advanced structural systems, highly developed glass and glass framing components, and the increasingly sophisticated use of aluminum as a building material) gave rise to a new type of architecture, known today as Post War Modern or more recently dubbed locally Miami Modern ("MiMo"). A great majority of the structures located within the proposed North Beach Resort Historic District were constructed following World War II in this style of architecture.

The large, Post War Modern resort hotels fronting on the Atlantic Ocean were designed to accommodate a dramatically increased volume of guests and provide luxury services in an exotic style. These resort hotels usually featured grand lobbies, cocktail lounges, supper clubs, a variety of thematic restaurants, ballrooms, banquet halls, meeting rooms, retail shops, enormous swimming pools, extensive sundecks, solariums, and a sweeping array of highly popular private beach cabanas. The new American plan, resort hotel filled the large tracts of undeveloped oceanfront land to provide everything for a total guest experience without the need to leave the hotel for the duration of the visitor's stay.

Several of these resort hotels sought to play a significant role in the booming entertainment industry. They offered the finest in live entertainment to draw their guests as well as local residents and the guests of other hotels. The new Deauville Hotel, in particular, became a magnet for major entertainment artists and events. On February 16, 1964, Ed Sullivan hosted the Beatles in a live telecast via satellite from the Napoleon Room of the Deauville Hotel on his

widely watched evening television show. This show broadcast was the second appearance of the Beatles on the Ed Sullivan Show, and it provided abundant free publicity of Miami Beach as a major tourism and entertainment destination. (The Beatles made their American debut on the Ed Sullivan Show in the CBS television studio in New York City on February 9, 1964.) The new Deauville Hotel was a favored venue for many notable entertainers of the 1950s and 1960s, including Frank Sinatra, Sammy Davis, Jr., Dean Martin, Joey Bishop, Tony Bennett, Bing Crosby, Judy Garland, Sophie Tucker, Henny Youngman, Milton Berle, and Jerry Lewis. Other post war resort hotels that provided a meaningful role in the entertainment history of Miami Beach were the Carillon, Casablanca, Sherry Frontenac, and Monte Carlo Hotels (all located within the proposed historic district) as well as the famous Fontainebleau and Eden Roc Hotels to the south.

(2) Association with the lives of Persons significant in our past history;

The proposed historic district is associated with several of the more important real estate developers in the history of Miami Beach, including Frank Osborn, Henri Levy, and Carl Fisher.

Frank Osborn accompanied his father Ezra to Miami Beach to participate in the coconut planting project of 1882. New Jersey investors Ezra Osborn, Elnathan Field, and Henry Lum purchased approximately 60 miles of oceanfront land from Key Biscayne to Jupiter, Florida. A mobile work crew planted this land with over 300,000 coconuts imported from the Caribbean. The first camp site for the coconut planting operations was located in the area of today's Lummus Park; subsequent camp sites were positioned at the Biscayne House of Refuge (near present day 72nd Street in North Beach) and then the Ft. Lauderdale House of Refuge (about nine miles south of the Hillsboro Inlet). Frank Osborn was a member of the coconut planting crew. Although the project did not succeed commercially, it was the first attempt at development of the beach and it led to other more successful endeavors aimed at the popularization of tourism on what would become the "Million Dollar Sandbar."

Nearly 40 years later, Frank Osborn developed the Atlantic Heights Subdivision in 1919. (A portion of this subdivision is included within the proposed historic district.) This 671-foot-wide tract extended from the Atlantic Ocean to Indian Creek and was centered at present-day 69th Street.

Henri Levy (1883-1938) was a Jewish immigrant from France who created a successful chain of movie theaters in Cincinnati. He moved his family to Miami Beach in 1922. Levy filed the Normandy Beach South Subdivision in 1925. (A portion of this subdivision is included within the proposed historic district.) It lay between Osborn's Atlantic Heights Subdivision at 69th Street and the Government Tract north of 72nd Street. Levy was also the developer of the Normandy Beach Subdivision in Surfside (between 87th Terrace and 90th Street), Normandy Isle, and the Isle of Biscaya. In addition, Levy was instrumental in the construction of the 79th Street Causeway in 1929 to link Miami and the popular Hialeah Race Track to his developments.

<u>Carl Fisher</u> (1874-1939) was a high-living industrialist from Indiana who made a fortune with Prest-O-Lite automobile head lamps and built the Indianapolis Speedway. Fisher was also instrumental in the construction of the Coast-to-Coast Rock Highway (today's Lincoln Highway) as well as the Dixie Highway (a major north to south roadway across the United States).

Fisher was one of the principal developers and promoters of Miami Beach. In a short amount of time, Fisher transformed the barrier island east of Miami into a playground for millionaires based on a genius for marketing that eclipsed his colleagues in land sales and development of Miami Beach. One of his many accomplishments in Miami Beach was the filing of the Second Ocean Front Subdivision in 1924. (A large portion of this subdivision is included within the proposed historic district.) It extended from 5650 Collins Avenue up to Osborn's Atlantic Heights Subdivision at 69th Street.

(3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;

Exemplary buildings of three distinct Miami Beach architectural movements have been identified in the proposed North Beach Resort Historic District. (Refer to **Section IX** in the Designation Report for more detailed architectural descriptions.) They include the following:

Art Deco/Streamline Moderne: The now-classic Decorative and Streamline styles of the 1930s were made world-famous by the historic designation in the National Register of the Miami Beach Architectural District, largely south of 15th Street, in 1979. Equally fine examples of this style exist in the proposed North Beach Resort Historic District, including the Normandy Plaza Hotel at 6979 Collins Avenue and the original Hotel Rowe at 6600 Collins Avenue.

Neoclassical Revival: Buildings of this style in Miami Beach were typically inspired from the second phase of this architectural movement (1925 to 1950). They commonly featured Classically-inspired design elements as the entry focal points of their otherwise simple architectural designs. Excellent examples of the Neoclassical Revival style within the proposed historic district are the Mt. Vernon Hotel at 6084 Collins Avenue, the Harding Hotel (originally the Monticello) at 210 63rd Street, and the Stephen Foster Apartment Hotel (today's Lombardy Inn) at 6300 Collins Avenue.

Post War Modern: The Post War Modern style, generally dating from 1945 to 1965, has come of age as a contributing historical style in Miami Beach. It is now enjoying a greatly expanded appreciation both here as well as in other cities across the nation, including New York, Los Angeles, and Miami. Strong evidence of this phenomenon was the exhibit in New York City (March 13 - May 8, 2002) entitled, "Beyond the Box: Mid-Century Modern Architecture in Miami and New York." This dynamic exhibit was located in the galleries of the Municipal Art Society of New York (who is credited with saving New York's Grand Central Terminal from demolition in the 1960s as well as dozens of other historic structures since 1897).

After a hiatus in construction due to World War II, Post War Modern picked up where Art Deco left off with the added influences of a booming post war economy, new technologies (such as air conditioning), the prevalence of the redesigned automobile, and a feeling of national optimism. The local expression of this style has recently been dubbed Miami Modern or "MiMo" by the Greater Metropolitan Miami area's Urban Arts Committee (who also co-presented the New York exhibit with the Municipal Art Society of New York). Prime examples of this style in the proposed historic district are the Casablanca Hotel at 6345 Collins Avenue, the Monte Carlo Hotel at 6551 Collins Avenue, the Sherry Frontenac Hotel at 6565 Collins Avenue, the expanded Rowe Motel at 6600 Collins Avenue, the Deauville Hotel (today's Radisson Deauville) at 6701 Collins Avenue, the Carillon Hotel at 6801 Collins Avenue; and commercial buildings such as 6616-6638 Collins Avenue and 6644-6650 Collins Avenue.

(4) Possesses high artistic values;

Attesting to the quality of design and high artistic values in this historic district is the recognition of several of its buildings in noteworthy architectural journals and promotional literature of the time. <u>Florida Architecture</u> featured the Sherry Frontenac Hotel, designed by Henry Hohauser at 6565 Collins Avenue, in its 1949 issue as well as the new Deauville Hotel, designed by Melvin Grossman at 6701 Collins Avenue, in its 1958-1959 publication.

(5) Represent the work of a master; serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

Many of the more prominent Miami Beach architects are represented in the proposed North Beach Resort Historic District, as indicated below. For a complete listing of addresses and architects, refer to the Properties List in **Appendix I** of the Designation Report.

Albert Anis was a master local architect who designed numerous buildings in Miami Beach. Outstanding examples of his work include the Leslie, Winterhaven, Sagamore, and Arlington (today's Savoy) Hotels as well as the commercial building at 420 Lincoln Road. In the proposed historic district, Anis designed the major southern addition to the Monte Carlo Hotel in 1951 and the Brazil Hotel in 1953.

Lester Avery was the architect of the store building at 6616-6638 Collins Avenue in 1948, located within the proposed historic district. Examples of his work elsewhere in Miami Beach include the Flora, Razel, and Abbott Apartments. Joseph J. DeBrita and A. Kononoff designed the Mount Vernon Hotel and the Harding Hotel (originally the Monticello) in 1946; both structures are located within the proposed historic district. DeBrita is also noted for designing the Coral Reef, Walburne (now Villa Luisa), and Dorset Hotels, all contributing buildings in other Miami Beach historic districts.

L. Murray Dixon was one of Miami Beach's most prolific architects, whose works include the Tiffany, Tudor, Marlin, Ritz Plaza, and Raleigh Hotels. Dixon designed two buildings in the proposed historic district: the Normandy Plaza Hotel in 1936 and the store building at 6644-6650 Collins Avenue in 1949.

<u>David T. Ellis</u> is noted for designing the Maxine, Drake, and Meridian Hotels as well as the Golden Arms Apartments. Within the proposed historic district, Ellis designed the original Hotel Rowe in 1939.

Roy France was a prolific architect in the Art Deco/Streamline Moderne and Post War Modern styles. Notable examples of his work include the National, St. Moritz, Sans Souci (with Morris Lapidus), Saxony, Sea Isle (now Palm Resort), and Cadillac Hotels. Within the proposed historic district, France designed the original northern portion of the Monte Carlo Hotel in 1948 and the Casablanca Hotel in 1950.

Norman Giller, who contributed so much to Miami Beach's Post War Modern architecture, has two buildings in the proposed historic district: the Bombay Hotel (now the Golden Sands) in 1951 and the Carillon Hotel in 1957. He also designed the Giller Building on 41st Street, the band shell in North Shore Park, and numerous motels in Sunny Isles.

Melvin Grossman, a prolific architect in the Post War Modern style, designed the Richmond, Di Lido (with Morris Lapidus), Seville, Doral (now Westin), and Barcelona (today's Sheraton Four Points) Hotels. Within the proposed historic district, Grossman was the architect of the new Deauville Hotel in 1958 and the associate architect of the major southern addition to the Monte Carlo Hotel in 1951. (The principal architect of the 1951 addition to the Monte Carlo Hotel was Albert Anis.)

Henry Hohauser was a master local architect who designed many notable structures from the 1930s to the 1950s. Outstanding examples of his work include the Century, Congress, Colony, Edison, Park Central, and Cardozo Hotels as well as Hoffman's Cafeteria. Within the proposed historic district, Hohauser designed the Sherry Frontenac Hotel in 1947.

A. Herbert Mathes was the architect of the Allison Hotel (now the Comfort Inn) in 1951, located within the proposed historic district. Other examples of his work in Miami Beach include the Geneva, Parisian, and Continental Hotels as well as the Golden Gate Apartments.

Harry O. Nelson designed the Broadmoor (now the Days Inn at 7450 Ocean Terrace), Beacon, Henrosa, and Baltic Hotels as well as numerous apartment buildings in Miami Beach. Within the proposed historic district, Nelson was the architect of the store building at 6606-6610 Collins Avenue in 1949.

<u>J. Richard Ogden</u> designed the Stephen Foster Apartment Hotel (today's Lombardy Inn) in 1947, located within the proposed historic district. Examples of his work outside the historic district include Temple Ner Tamid and several fine residences on Pinetree Drive.

<u>Carlos B. Schoeppl</u>, "master builder of Florida's Gold Coast," has two buildings within the proposed historic district: the expanded Rowe Motel in 1956 and the store building at 6640 Collins Avenue in 1945. Schoeppl also designed the Lucerne Hotel and numerous single family residences throughout Miami Beach.

(6) Have yielded, or are likely to yield, information important in pre-history or history;

The proposed North Beach Resort Historic District is significant for its built environment and its association with the architectural and cultural history of Miami Beach. It possesses an array of architectural styles that collectively trace the historical progression of architectural design and construction in North Beach from the 1930s until the present. In particular, the Post War Modern style ("MiMo") reflects the spirit of the post-World War II era. This neighborhood,

which was a largely uninhabited area with only a few prominent structures and a handful of bungalows, developed into a major tourist and entertainment attraction with large, luxurious resort hotels fronting the Atlantic Ocean.

(7) <u>Listed in the National Register of Historic Places:</u>

Although this area is not presently listed in the National Register of Historic Places, it clearly appears eligible for registration.

(8) Consist of a geographically definable area that possesses a significant concentration of Sites, Buildings or Structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.

The proposed North Beach Resort Historic District is a clearly-delineated geographic entity that is united by its oceanfront resort architecture and setting. While there are three distinct architectural styles represented in the proposed historic district, the Post War Modern style defines and dominates the overriding architectural character of the area and creates its own uniqueness in Miami Beach, especially with its grand hotels. The low-scale structures (including smaller hotels and commercial buildings) make their own intimate design contribution to the special character of the proposed historic district.

Historically, the area was annexed into the City of Miami Beach in 1924, and it is comprised of portions of Frank Osborn's Atlantic Heights Subdivision (platted in 1919), Carl Fisher's Second Ocean Front Subdivision (platted in 1924), and Henri Levy's Normandy Beach South Subdivision (platted in 1925). Collins Avenue, the very spinal cord of the City, runs through the center of the proposed historic district. It was named for Miami Beach's earliest and most illustrious pioneer, John Collins. The Atlantic Ocean defines the eastern border of the proposed historic district.

The proposed historic district consists of mostly hotels with a small number of commercial structures. Construction dates for the 25 buildings range from 1936 to the present, with a vast majority post-World War II. Distributed by decade of construction, they number:

1930s	2	
1940s	9	
1950s	7	
1960s	2	
1970s	1	
post-1979	4	Total Buildings 25

Staff has determined that 17 of these buildings, or 68 percent, are "contributing" on the basis of the established criteria for historic district designation.

(b) A Building, Structure (including the public portions of the interior), Improvement or Landscape Feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable. Although a few of the buildings within the proposed North Beach Resort Historic District have been altered to various extents over the years, these structures retain a major amount of their original architectural design integrity and contribute to the special character of the neighborhood in a variety of scales and uses. Exterior restoration could be successfully completed by following original architectural plans and available historical photographs and/or documentation. Despite existing alterations to these structures, they continue to be highly representative of the rich architectural and cultural history of Miami Beach.

ANALYSIS OF THE AMENDING ORDINANCE

In reviewing a request for an amendment to the Land Development Regulations of the City Code or a change in land use, the Planning Board shall consider the following:

- Whether the proposed change is consistent and compatible with the Comprehensive Plan and any applicable neighborhood or Redevelopment Plans;
 - <u>Consistent</u> -The proposed designation is consistent with the Comprehensive Plan, specifically with the Historic Preservation Element of the Comprehensive Plan's Objective No. 1 which, in part, states: "...increase the total number of structures designated as historically significant from that number of structures designated in 1988, either individually or as a contributing structure within a National Register Historic Preservation District or a local Historic Preservation District."
- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts;
 - <u>Consistent</u> -The amendment would not change the underlying zoning district for any areas within the City.
- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the City;
 - <u>Consistent</u> -The designation of the area as a local historic district would help to encourage redevelopment and rehabilitation that is compatible with the scale, characteristics, and needs of the surrounding neighborhood and help to preserve the special architectural character of the historic resort environment.
- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure;
 - <u>Consistent</u> -The LOS for the area public facilities and infrastructure should not be negatively affected, if at all, by the proposed amending ordinance.
- 5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
 - <u>Consistent</u> -The proposed North Beach Resort Historic District is a clearly-delineated geographic entity that is united by its oceanfront resort architecture and setting. While there are three distinct architectural styles represented in the proposed historic district, the Post War Modern style defines and dominates the overriding architectural character of the area and creates its own uniqueness in Miami Beach, especially with its grand hotels. The low-scale

structures (including smaller hotels and commercial buildings) make their own intimate design contribution to the special character of the proposed historic district.

Historically, the area was annexed into the City of Miami Beach in 1924, and it is comprised of portions of Frank Osborn's Atlantic Heights Subdivision (platted in 1919), Carl Fisher's Second Ocean Front Subdivision (platted in 1924), and Henri Levy's Normandy Beach South Subdivision (platted in 1925). Collins Avenue, the very spinal cord of the City, runs through the center of the proposed historic district. It was named for Miami Beach's earliest and most illustrious pioneer, John Collins. The Atlantic Ocean defines the natural eastern border of the proposed historic district. A detailed description of the proposed boundaries is delineated within the Designation Report and the attached amending Ordinance.

6. Whether changed or changing conditions make the passage of the proposed change necessary;

<u>Consistent</u> -The success of historic preservation in the ongoing revitalization of Miami Beach supports the protection of the proposed historic district. Past demolition of historic structures demonstrates the necessity of this amendment to maintain the historical integrity of the area.

7. Whether the proposed change will adversely influence living conditions in the neighborhood;

<u>Consistent</u> -The proposed change should not negatively affect living conditions or the Quality of Life for the surrounding properties. Indeed, the quality of living conditions in designated historic areas has significantly improved since the City started designating historic sites and districts. The thousands of Design Review approvals (both substantial rehabilitation and minor improvements) within the existing historic districts demonstrate this principle.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the Level Of Service as set forth in the Comprehensive Plan or otherwise affect public safety;

<u>Consistent</u> -As designation does not change the permitted land uses, the levels of service set forth in the Comprehensive Plan will not be affected by designation. Likewise, public safety will not be affected.

9. Whether the proposed change will seriously reduce light and air to adjacent properties;

<u>Consistent</u> -If designation results in the retention of existing structures, there should be no reduction in light and air either on site or to adjacent properties.

10. Whether the proposed change will adversely affect property values in the adjacent area;

<u>Consistent</u> -As property values and value of construction have historically increased in the existing designated historic sites and districts, there is no evidence to suggest that designation would adversely affect property values in the area surrounding the proposed designation. To the contrary, the designation of the historic district should help to reinforce and promote continuous quality enhancement of the area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

<u>Consistent</u> -The proposed amendment will not change the development regulations for adjacent sites which must comply with their own site specific development regulations. Furthermore, the

Commission Memorandum of January 14, 2004 First Reading Public Hearing – Designation of the North Beach Resort Historic District Page 14 of 17

proposed ordinance should not affect the ability for an adjacent property to be developed in accordance with said regulations.

- 12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;
 - <u>Consistent</u> -The permitted land uses are not affected since the proposed amendment does not change the underlying zoning district for any property.
- 13. Whether it is impossible to find other adequate Sites in the City for the proposed Use in a district already permitting such Use;

Not Applicable -This review criteria is not applicable to this Zoning Ordinance amendment.

STAFF ANALYSIS

Possible Modifications to the Boundaries of the Proposed North Beach Resort Historic District.

The modified proposed historic district, as recommended by the Planning Board and Planning Department staff, has slightly different boundaries than recommended by the Historic Preservation Board. It is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the northern lot line of 6901 Collins Avenue to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue and 63rd Street to the west (including 6084 Collins Avenue and 210 63rd Street), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue). (Refer to attached **Map 1B** for modified historic district boundaries as recommended by the Planning Board.)

Rationale for Changes to the Proposed North Beach Resort Historic District and Its Boundaries.

Following the Courtesy Public Workshop on April 17, 2002, and the discussion with the Historic Preservation Board on April 24, 2002, the Planning Department staff set out to accomplish three (3) primary objectives before finalizing possible modifications to the proposed North Beach Resort Historic District and its proposed boundaries. The three objectives are as follows:

1. Consideration of Possible Modifications to the Proposed North Beach Resort Historic District in Light of Significant Issues Raised at the April 17, 2002, Courtesy Public Workshop.

These considerations include, but are not limited to, the following:

- a. reviewing the proposed boundaries of the historic district relative to whether they most accurately reflect the prime area and structures to be protected;
- b. further researching and analyzing the specific historical period of significance to be preserved, successfully interpreted, promoted, and protected for the benefit of generations of North Beach residents, guests, and users to come;
- c. further studying the specific nature, types, use, dates, and styles of structures and sites to be identified as contributing to the special historic character and future success of the proposed historic district; and
- d. ensuring the cohesive visual recognition of this collective body of historic structures and sites relative to their critical role and importance in defining and building once again upon

one of the most delightful, remarkable, and economically successful development periods in Miami Beach history.

To this end, the Planning Department staff is recommending a reduction in the size of the proposed historic district boundaries (recommended by the Historic Preservation Board on August 12, 2003) as well as an adjustment to the total number of contributing buildings, in accordance with the following conclusions:

The focus in the designation of this unique historic district should be primarily on the oceanfront hotel structures that defined, activated, and perpetuated the acknowledged mystique and ongoing economic success of this ocean resort and entertainment island oasis built in North Beach shortly after World War II. This focus must include physical restoration, preservation, and adaptive reuse (if proposed) of these structures to make them economically competitive and further define and bring recognition to this special era in the history of North Beach. Doing so and promoting this should result in substantial city and regional benefits of historical education presented in a fun manner, quality of life improvements in and surrounding the historic district, expanded oceanfront recreational opportunities, and a significantly accelerated return of economic revitalization and stability to North Beach. This task will require careful attention to the historic structures and sites as well as to their upgrading and potential reasonable expansion to meet modern operational needs and uses.

The post World War II development period saw the rapid rise of a new magnitude and character of oceanside resorts and an entertainment style in Miami Beach that garnered international acclaim and participation in a small but clearly defined area of the City. Although closely associated with the development of the grand Fontainebleau and Eden Roc Hotels in Mid Beach during this same era, the North Beach Resort Historic District occupies a place in time, physical eminence (when further restored), and a high level of urban oceanfront amenity. The proposed district and surrounding areas are complete with retail, commercial, restaurant, entertainment, and cultural avenues and fascinating historical sites to visit.

The Planning Department staff has subsequently concluded that the principal focus of this district should be specific to the post World War II hotel structures and sites along the ocean and the east end of 63rd Street that created, defined and perpetuated a unique social/economic phenomenon in North Beach during and beyond the mid-20th century. Hence, the boundaries, contributing structures, and sites within the modified district boundaries as recommended by Planning Department staff have been adjusted accordingly.

2. To Realistically and Appropriately Address Important Issues Which Will Impact Upon the Long Range Preservation Success and Economic Health of the Proposed North Beach Resort Historic District.

The Planning Department staff has carefully evaluated each contributing structure and site to be located within the modified proposed historic district boundaries. This evaluation included:

- a. the design, size, architectural configuration, and general condition of each structure;
- b. its operational limitations with regard to on-site parking;
- c. potential unit key count as established by an evaluation of approximate remaining floor area for future development on each subject contributing site:
- d. the physical ability to add and/or enhance on-site parking as well as egress to that parking;

Commission Memorandum of January 14, 2004 First Reading Public Hearing – Designation of the North Beach Resort Historic District Page 16 of 17

- e. the ability to add a new addition to the subject property in an appropriate manner which would not adversely impact upon the overall historic integrity and significance of the subject structure; to enable the historic structure to meet modern operational needs as well as to be viable in future hotel/residential competition in North Beach;
- f. the ability to add new oceanview balconies on contributing structures, including expanded window/door accessibility to the balconies;
- g. the creation of appropriate raised pool deck levels with parking or other common functions beneath which would benefit both the properties as well as the views of these properties from the beach;
- h. the potential for rooftop additions in excess of one story on certain structures, dependent upon certain conditions that would have to be established and met; and
- i. the potential for minimal or no adverse impact upon historic lobby and significant public interior spaces as well as the primary and character defining street façade and side elevations of these structures as seen from the public rights-of-way.

As a result of this analysis, the Planning Department staff has prepared Special Review Guidelines for the North Beach Resort Historic District, which are incorporated in **Section XI** in the Designation Report.

Staff has also developed an ordinance amendment to Section 142-1161(d) in the Land Development Regulations of the City Code by modifying the prohibition of rooftop additions of more than one story in height in the proposed North Beach Resort Historic District. The companion ordinance amendment may permit certain existing buildings of six or more stories to have a two story rooftop addition. Existing buildings of five stories or less may not have more than a one story rooftop addition. The companion ordinance amendment would provide an enhanced level of flexibility to renovate and adapt certain existing buildings in the historic district.

3. To Identify Strategies for Increasing the Supply of Off-Site Parking Available to Serve Historic Buildings.

Construction of new off-site parking within 1200 feet of the subject property should be encouraged by City policies and Land Development Regulations to serve historic structures in the proposed North Beach Resort Historic District.

Under the current City Code, designation of an historic district would make existing buildings exempt from parking requirements resulting from a change of use or renovation exceeding the 50% Rule. However, the addition of new floor area would require parking or payment into the Parking Impact Fund. Also, designation of an historic district would extend the maximum walking distance for off-site parking from 500 feet to 1200 feet, thereby providing more options for off-site parking locations.

In addition to these benefits in the existing City Code, the City should continue to actively explore the following policies:

- a. Utilize municipal parking revenue bonds and funds collected through parking impact fees to provide public off-street parking. Consider City-ownership and joint-development opportunities. The City has identified several potential sites within 1200 feet of the proposed North Beach Resort Historic District that are being studied by Walker Parking Consultants as part of Phase 2 of a citywide parking study.
- b. Encourage shared parking by adjacent owners in the historic district.

Commission Memorandum of January 14, 2004 First Reading Public Hearing – Designation of the North Beach Resort Historic District Page 17 of 17

CONCLUSION

The proposed designation of the North Beach Resort Historic District is appropriate to protect the aesthetic, architectural, and historical importance of the neighborhood. The positive social and economic impact that preservation has had on the revitalization of Miami Beach, as well as the worldwide media recognition of Miami Beach, is well known. Local residents, as well as visitors from around the world, are seeking the very special urban character of Miami Beach that the Planning Department seeks to preserve. Further, alterations are permitted to historic structures provided that the changes are found to be appropriate by the Historic Preservation Board.

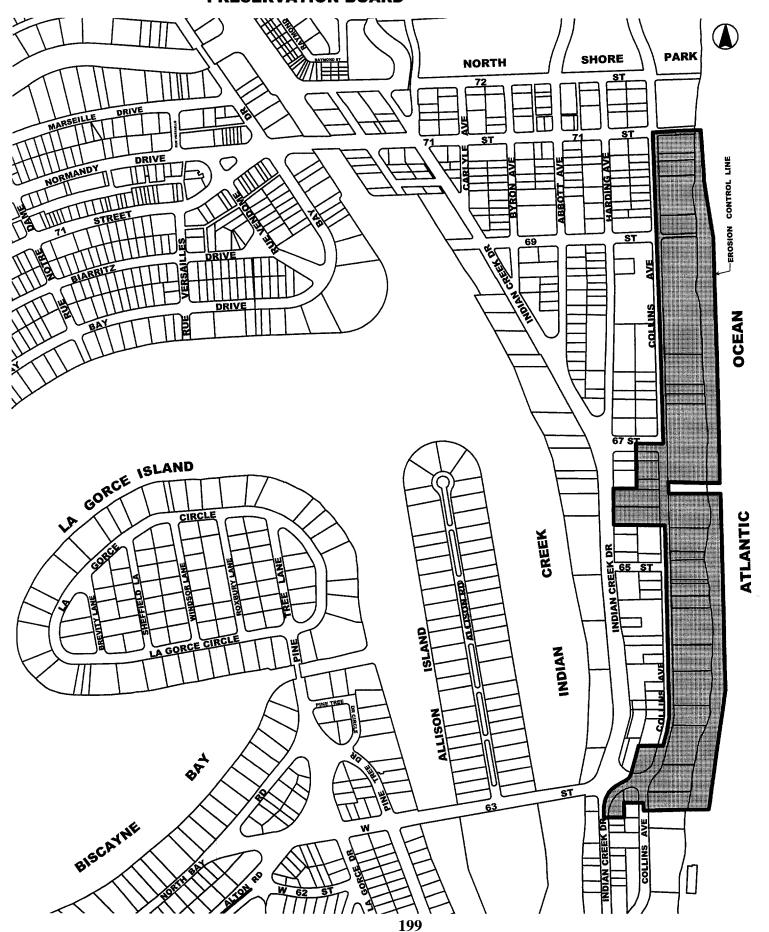
Therefore, the Administration recommends that the Mayor and City Commission approve the proposed amending ordinance on first reading public hearing by designating the North Beach Resort Historic District with the boundaries as recommended by the Planning Board and schedule a second reading public hearing for February 4, 2004.

JMG:CMC:JMG:WHC:SMA

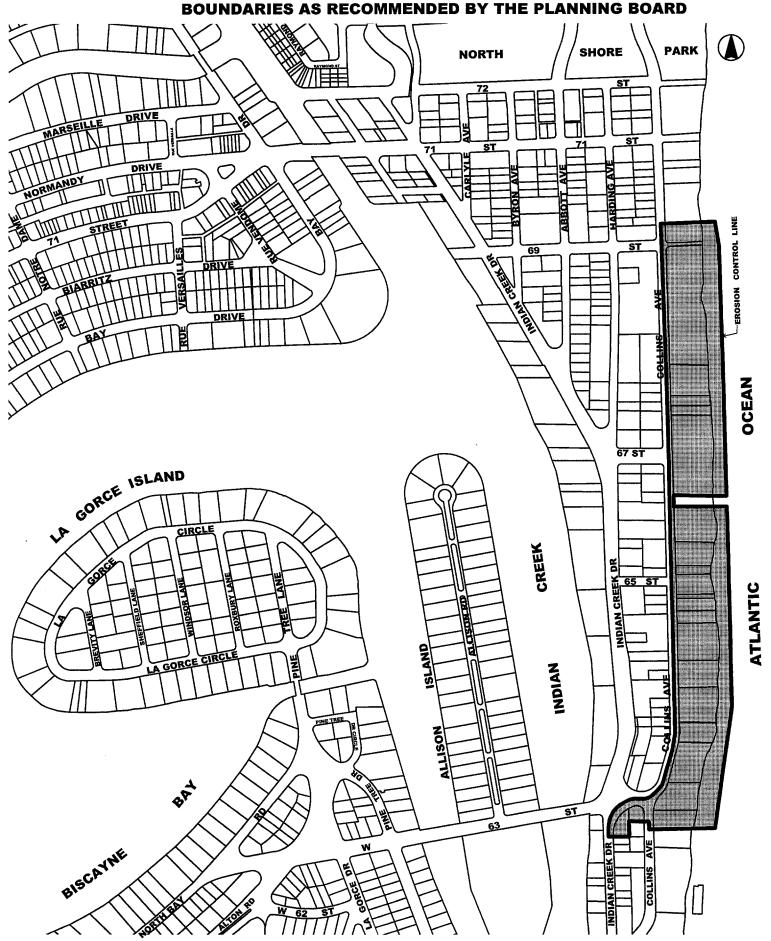
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MAP 1A: PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT BOUNDARIES AS RECOMMENDED BY THE HISTORIC PRESERVATION BOARD



MAP 1B: PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT
BOUNDARIES AS RECOMMENDED BY THE PLANNING BOARD



CE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION "HISTORIC **PRESERVATION DESIGNATION**"; SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT. CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTER LINE OF 71ST STREET TO THE NORTH, THE CENTER LINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE, 6300 COLLINS AVENUE, AND 6574 TO 6650 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN TO THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH BEACH RESORT HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN **EFFECTIVE DATE.**

WHEREAS, on August 12, 2003, the City of Miami Beach Historic Preservation Board held a public hearing and voted (6 to 1) in favor of recommending that the Mayor and City Commission designate the North Beach Resort Historic District; and

WHEREAS, on December 2, 2003, the City of Miami Beach Planning Board held a public hearing and voted (5 to 0; 2 absences) in favor of the proposed designation of said historic district; and

WHEREAS, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

WHEREAS, these recommendations of approval for the designation of the North Beach Resort Historic District were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A".

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. DESIGNATION OF THE NORTH BEACH RESORT HISTORIC DISTRICT.

Those certain areas which are generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of

71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue, 6300 Collins Avenue, and 6574 to 6650 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue); and having the legal description as described herein, are hereby designated as an Historic District of the City of Miami Beach and shall be known as the "North Beach Resort Historic District." That the Designation Report attached hereto as Appendix "A" is hereby adopted.

SECTION 2. AMENDMENT OF SECTION 118-593 OF THE CITY CODE.

That Chapter 118, Section 118-593 entitled "Historic Preservation Designation" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

* * *

- (e) Delineation on zoning map. All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:
- (2) Historic preservation districts (HPD).

* * *

POINT OF BEGINNING of the tract of land herein described; thence run easterly to the point of intersection with the Erosion Control Line of the Atlantic Ocean, as recorded in Plat Book 105, at Page 62, Public Records of Miami-Dade County, Florida; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 44, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 44, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run westerly, along the south line of said Lot 44 to the point of intersection with the easterly Right-of-Way line of

Collins Avenue; thence run southerly, along the easterly Right-of-Way line of Collins Avenue to the point of intersection with the north line of Lot 42 of the above mentioned Block 1; thence run easterly, along the north line of said Lot 42 to the point of intersection with the Erosion Control Line of the Atlantic Ocean; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 21 K of said Block 1; thence run westerly, along the south line of said Lot 21 K and its westerly extension to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue to the point of intersection with the easterly extension of Lot 1 of LYLE G. HALL SUBDIVISION, recorded in Plat Book 40, at Page 5, Public Records of Miami-Dade County, Florida; thence run westerly, along the south line of said Lot 1 and its easterly extension, to the point of intersection with the easterly line of Lot 25 of the above mentioned LYLE G. HALL SUBDIVISION; thence run southerly, along the easterly line of lots 25 and 24 of said LYLE G. SUBDIVISION to the southeast corner of said Lot 24; thence run westerly, along the south line of said Lot 24 and its westerly extension to the point of intersection with the center line of Harding Drive (now Indian Creek Drive); thence run northerly, along the center line of Harding Drive (now Indian Creek Drive) to the point of intersection with the center line of 63rd Street; thence run easterly, along the center line of 63rd Street, to the point of intersection with the southerly extension of the westerly line of Lot 1, Block 7, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run northerly, along the westerly line of said Lot 1, Block 7 and its southerly extension to a point located 50.00 feet south (measured at right angles) of the westerly extension of the northerly line of said Lot 1; thence run easterly

along a line parallel and 50.00 feet south of the northerly line of said Lot 1 to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue to the point of intersection with the easterly extension of the south line of Lot 25 of said Block 7; thence run westerly, along the south line of Lots 25 and 40 of said Block 7 and its easterly extension, to the southwest corner of said Lot 40; thence run northerly, along the westerly line of Lot 40 through Lot 37 of said Block 7, to the northwest corner of said Lot 37; thence run easterly, along the north line of said Lot 37 to the southwest corner of Lot 29 of said Block 7; thence run northerly, along the westerly line of Lots 29 through 32 of said Block 7 and its northerly extension to the point of intersection with the center line of 67th Street, as shown in the above mentioned AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION; thence run easterly, along the center line of 67th Street to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

SECTION 3. <u>INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY</u> CODE.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. AMENDMENT OF ZONING MAP.

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPD-10, Historic Preservation District Ten.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

<u>Underscore</u> denotes new language. Strike-through denotes deleted language.

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This Ordinance shall take effect ten days followin	g adoption.
PASSED and ADOPTED this day of	, 2004.
	MAYOR
ATTEST:	
CITY CLERK	
APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION:	
CITY ATTORNEY # DATE	
CITY ATTORNEY DATE	
First Reading: January 14, 2003 Second Reading:	
Verified By: Jorge G. Gomez, AICP Planning Director	

5

ICE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION "HISTORIC **PRESERVATION DESIGNATION**"; **AMENDING** SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE NORTHERN LOT LINE OF 6901 COLLINS AVENUE TO THE NORTH, THE CENTER LINES OF COLLINS AVENUE AND INDIAN CREEK DRIVE TO THE WEST, AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN TO THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH BEACH RESORT HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN **EFFECTIVE DATE.**

WHEREAS, on August 12, 2003, the City of Miami Beach Historic Preservation Board held a public hearing and voted (6 to 1) in favor of recommending that the Mayor and City Commission designate the North Beach Resort Historic District; and

WHEREAS, on December 2, 2003, the City of Miami Beach Planning Board held a public hearing and voted (5 to 0; 2 absences) in favor of the proposed designation of said historic district; and

WHEREAS, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

WHEREAS, these recommendations of approval for the designation of the North Beach Resort Historic District were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A".

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. DESIGNATION OF THE NORTH BEACH RESORT HISTORIC DISTRICT.

Those certain areas which are generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the northern lot line of 6901 Collins Avenue to the north, the center lines of Collins Avenue and Indian Creek Drive to the west, and the erosion control line of the Atlantic Ocean to the east

(excluding 6605 Collins Avenue); and having the legal description as described herein, are hereby designated as an Historic District of the City of Miami Beach and shall be known as the "North Beach Resort Historic District." That the Designation Report attached hereto as Appendix "A" is hereby adopted.

SECTION 2. AMENDMENT OF SECTION 118-593 OF THE CITY CODE.

That Chapter 118, Section 118-593 entitled "Historic Preservation Designation" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

* * *

- (e) Delineation on zoning map. All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:
 - * * *
- (2) Historic preservation districts (HPD).

* * *

District commence at the point of intersection of the center line of Collins Avenue, with the westerly extension of the north line of Lot 5, Block A, CORRECTED PLAT OF ATLANTIC HEIGHTS, recorded in Plat Book 9, at Page 14, Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of the tract of land herein described; thence run easterly, along the north line of said Lot 5 and its westerly extension to the point of intersection with the Erosion Control Line of the Atlantic Ocean, as recorded in Plat Book 105, at page 62, Public Records of Miami-Dade County, Florida; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 44, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run westerly, along the south line of said Lot 44 to the point of intersection with the

easterly Right-of-Way line of Collins Avenue; thence run southerly, along the easterly Right-of-Way line of Collins Avenue to the point of intersection with the north line of Lot 42 of the above mentioned Block 1; thence run easterly, along the north line of said Lot 42 to the point of intersection with the Erosion Control Line of the Atlantic Ocean; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 21 K of said Block 1; thence run westerly, along the south line of said Lot 21 K and its westerly extension to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue; to the point of intersection with the easterly extension of the south line of Lot 1 of LYLE G. HALL SUBDIVISION, recorded in Plat Book 40, at Page 5, Public Records of Miami-Dade County, Florida; thence run westerly, along the south line of said Lot 1 and its easterly extension, to the point of intersection with the easterly line of Lot 25 of the above mentioned LYLE G. HALL SUBDIVISION; thence run southerly, along the easterly line of lots 25 and 24 of said LYLE G. HALL SUBDIVISION, to the southeast corner of said Lot 24; thence run westerly, along the south line of said Lot 24 and its westerly extension, to the point of intersection with the center line of Harding Drive (now Indian Creek Drive); thence run northerly along the center line of Harding Drive (now Indian Creek Drive), to the point of intersection with the center line of 63rd Street; thence run easterly following the center line of 63rd Street to the point of intersection with the center line of Collins Avenue, as shown in the above mentioned AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION; thence run northerly, following the center line of Collins Avenue to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

* * *

SECTION 3. <u>INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE.</u>

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. AMENDMENT OF ZONING MAP.

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPD-10, Historic Preservation District Ten.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect t	en days following add	option.
PASSED and ADOPTED this	day of	, 2004.
		MAYOR
ATTEST:		
CITY CLERK		

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION:

First Reading: January 14, 2004

Second Reading:

Verified By:

Jorge G. Gomez, AICP

Planning Director

Underscore denotes new language. Strike-through denotes deleted language.

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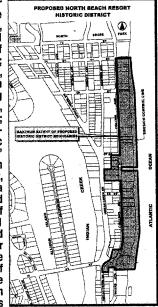
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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING NOTICE OF ZONING MAP CHANGE



The City of Miami Beach proposes to adopt the following Ordinance:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending the Land **Development Regulations of** the Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; **Amending** 118-593(e), Section "Delineation on Zoning Map"; Amending Section 118-"Historic 593(e)(2), Preservation Districts (HPD)" by Designating the North Beach Resort Historic District, Consisting of a Certain Area Which is Generally Bounded by the Southern Lot Lines of 6084 Collins Avenue, 6261 Collins Avenue and 210-63rd Street to the South, the Center Line of 71st Street to the North, the Center Line of Collins Avenue and the Western Lot Lines of Certain **Properties Fronting on Collins** Avenue to the West (Including



6084 Collins Avenue, 6300 Collins Avenue, and 6574 to 6650 Collins Avenue), and the Erosion Control Line of the Atlantic Ocean to the East (Excluding 6605 Collins Avenue), as More Particularly Described Herein; Providing that the City's Zoning Map Shall Be Amended to Include the North Beach Resort Historic District; Adopting the Designation Report Atlached Hereto as Appendix "A"; Providing for Inclusion in the Land Development regulations of the City Code, Repealer, Severability and an Effective Date.

PUBLIC NOTICE IS HEREBY GIVEN that a first reading public hearing on the Ordinance will be held by the City Commission on Wednesday, January 14, 2004 at 5:05 p.m., or as soon thereafter as possible, in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

The historic district proposed for designation is shown on the Map within this Zoning Map Change. The district boundaries may be modified by the City Commission at this meeting

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Miami Beach City Commission c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139.

The Grdinance and other related materials regarding the proposed historic district are available for public inspection during normal business hours in the City Clerk's Office. Inquiries may be directed to the Planning Department at (305) 673-7550. The hearing on this Ordinance may be continued at this meeting and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk's Office at (305) 673-7411 for information as to the status of the Ordinance as a result of the meeting.

Ordinance as a result of the meeting.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or its hearing, such person must insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City of the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

anowed by raw. To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any othy-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service)



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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

An ordinance of the Mayor and City Commission amending the City Code Sections 6-40 and 6-41 to permit the sale of alcoholic beverages in totally nude adult establishments.

Issue:

The City Code does not permit the sale of alcoholic beverages in adult establishments that permit total nudity.

Item Summary/Recommendation:

Amending the City Code Sections 6-40 and 6-41 to permit the sale of alcoholic beverages in totally nude adult establishments.

The Administration recommends that the proposed ordinance be approved on first reading and set a second reading for the February 4, 2004 meeting.

Advisory Board Recommendation:

At the October 28, 2003 meeting, the Planning Board, after a lengthy discussion, a motion was made to make a recommendation to the City Commission that although the Board is in favor of permitting the sale of alcoholic beverages in totally nude adult entertainment establishments, it strongly recommends against adoption of the proposed ordinance at this time; instead, the Board recommends that the ordinance be continued so that staff can address a number of issues.

At the December 9, 2003 meeting of the Community Affairs Committee, a motion was made to recommend to the City Commission the Ordinance reviewed by the Planning Board, and additionally to prohibit patrons under 21 years of age unless a full kitchen is provided and operated.

The ordinance was also reviewed by the Commission on the Status of Women Committee where a motion passed 12-4 to permit the alcoholic beverages to be served only from 6p.m. – 5 a.m. and, that the City Commission limit the number of these types of establishments located within the City.

The Nightlife Industry Task Force also reviewed the proposed ordinance and stated several objections, including how these venues would compete with existing nightclubs particularly size.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
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Finance Dept.	Total		7-1	

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City Clerk's Office Legislative Tracking:	
Mercy Lamazares/Jorge Gomez/Gary Held	
Sign-Offs:	

Department Director	Assistant City Manager	City Manager
A	eu c	Jus
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AGENDA ITEM RSD

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

First Reading

Subject:

Alcohol and Nudity

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING SECTIONS 6-40 AND 6-41 "TOTAL NUDITY AND SEXUAL CONDUCT PROHIBITED," AND "PROVISIONS PERTAINING TO ESTABLISHMENTS PERMITTING PARTIAL OR TOTAL NUDITY," TO ALLOW ESTABLISHMENTS LICENSED AS ALCOHOLIC BEVERAGE ESTABLISHMENTS TO OFFER PARTIAL AND TOTAL NUDE ADULT ENTERTAINMENT; PROVIDING FOR CODIFICATION, REPEALER, NONSEVERABILITY, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the proposed ordinance be approved on first reading and set a second reading public hearing from February 4, 2004.

BACKGROUND

At the July 2, 2003 meeting of the City Commission, this item was referred to the Planning Board for its review and comment. The City Commission also expressed the sentiment that they were generally in agreement with the serving of alcohol in totally nude adult establishments, but cited concerns such as controlling proliferation, hours of operation, security, and a kitchen component. The Commission also requested that the Planning Board's recommendation be referred to the Community Affairs Committee for further discussion. The Commission expressed concerns regarding unintended consequences that could not be foreseen at this time and requested that the Planning Board discuss the issues of touching performers, lap dancing, signage, hours of operation, distance separation, kitchen, size of the club, and gratuity, among others.

The Commission also had a lengthy discussion relative to the quality of these venues and that if the sale of alcoholic beverages is going to be permitted in totally nude clubs, they should be elegant, not sleazy; and that one of the criteria should be the issue of security. The Commission believed that there has to be sufficient security provided to insure that the laws are observed. They also requested to include in the ordinance a provision which states that if the law is violated, willfully or wantonly, the privilege of having this type of establishment would be revoked.

On previous occasions, the Planning Board had discussions relative to this issue and articulated the following concerns and suggestions:

- 1. The Board indicated that they had no philosophical qualms relative to alcoholic beverages in totally nude establishments; however they believed that existing regulations may be overly restrictive in a tourist-oriented environment.
- 2. Concerns that, if permitted, adult establishments may overwhelm other kinds of entertainment establishments already existing in the city, inclusive of restaurants that serve alcoholic beverages and have a capacity of over 200 people.
- 3. At that time, the Planning Board requested that the proponents of the amendments, who appeared before the Planning Board, submit specific ordinances used in other communities where alcoholic beverages are served in adult entertainment establishments that feature nudity, and which have not affected the quality of life, or have had an adverse impact on other amenities. The Board members felt they should look at geographic areas for restrictions, locations to be restricted, how many establishments are affected, etc.
- 4. The 2001 State Legislature created s. 847.0134, F.S., which prohibits the location of adult entertainment establishments "within 2,500 feet of the real property that comprises a public or private elementary, middle or secondary schools." This statute became effective July 1, 2001. Accordingly, no new adult entertainment establishments could open in Miami Beach without the location being approved pursuant to the provisions of the State Statutes. This process would involve public hearings before the Planning Board and the City Commission
- 5. At that time, the Board felt that it could not plan in the abstract and because of the new State statute; it appeared that a very lucrative monopoly may be granted to a limited number of existing establishments.
- 6. The Board felt that the City Attorney should review the statute and opine on what it allows the City to do; whether a municipality can opt out and enact regulations; etc.
- 7. The Planning Board also believed that more research and analysis needed to be completed before this amendment could go back to the City Commission.

<u>ANALYSIS</u>

As requested by the Commission, the issue of the sale of alcoholic beverages in totally nude establishments has been discussed by various committees. The following is a summary of those discussions.

Planning Board Review

The Planning Board discussed the matter at its October 28, 2003 meeting. Attached is a copy of the Planning Board staff report. After a lengthy discussion a motion was made to make a recommendation to the City Commission that although the Board is in favor of permitting the sale of alcoholic beverages in totally nude adult entertainment establishments, it strongly recommends against adoption of the proposed ordinance at this time; instead, the Board recommends that the ordinance be continued so that staff can address a number of issues:

- Should the sale of alcoholic beverages in totally nude adult establishments happen only in very large venues or smaller venues that may be easier to regulate.
- What kind of amenities would be offered.
- How many concentration within an area strict standards on concentration.
 There is a need to develop objective criteria with greater flexibility in terms of type of establishment and strong restrictions as to location and concentration.
- Compatibility within underlying zoning and adjacent residential neighborhoods and schools.
- What will the clubs look like make the facilities better looking.
- Legal has new material that should be carefully evaluated to create a stronger legal base for any ordinance the City may adopt.
- Address the issue of sex parity in the treatment of female and male performers.

The motion was approved 5-0.

NIGHTLIFE INDUSTRY TASK FORCE ("NITE")

At its October 1, 2003 meeting, the following comments were made:

- David Kelsey raised issues regarding the requirement to have a full service restaurant which is required in all existing establishments with partial nudity.
- Roman Jones expressed concerns on how the ordinance change will compete with existing nightclubs particularly size.
- Steve Polisar asked if the NITE findings can be expressed to the Planning Board.
- Size of venue that this would enable would become a major competitor with Crobar and other venues.

- Proliferation of venues raises a concern.
- Both sexes should not be discriminated.
- Mark Levanthal recommended a restriction that no patron dancing should be permitted so that this does not become a nightclub with patrons dancing with nude dancers.
- An additional discussion item concerns the ability for an establishment with total nudity that maintains a full-service restaurant may have all ages.
- David Wallack felt that NITE should not compare importance of this legislation vs. other legislation but recognize the City pushed business away.
- Roman Jones/Steve Polisar requested if impact establishments will still need Planning Board approval if they have a minimum of 250 seats. Steve Polisar suggested that it may not compete.

COMMISSION ON THE STATUS OF WOMEN COMMITTEE

At its meeting on October 14, 2003, the Committee approved the following motion by a vote of 12 in favor and 4 opposed:

The Commission on the Status of Women is opposed to the objectification of women, but recognizes women's rights to make their own choices, be autonomous and earn a living wage.

The Committee therefore requests the following restrictions to the proposed Ordinance for the benefit of these women and the children of our community:

- 1. Alcoholic beverages be served only from 6p.m. 5 a.m. and,
- That the City Commission limit the number of these types of establishments located within the City.

COMMUNITY AFFAIRS COMMITTEE

At its December 9, 2003 meeting, a motion was made to recommend to the City Commission the Ordinance reviewed by the Planning Board, additionally to prohibit patrons under 21 years of age unless a full kitchen is provided and operated.

Commissioner Cruz will provide guidance to the proponent of the Ordinance regarding a modification to the sign. Any changes to the signs shall be approved by the Historic Preservation Board or the Design Review Board depending on which Board has jurisdiction.

In order to facilitate the discussion, the following matrix is a summary of the adult entertainment regulations currently existing in nearby communities:

Jurisdiction	Permitted	Regulations	Liquor	Hours	Distance	Variance For distance	Appeals
Miami-Dade Co.	In IU-1 (industrial)	Total nudity, no sexual activity in premises; viewing rooms open at all times; etc.	Yes; only from 8 am to 4 am week Days; Sundays beer only from 10 am to 4 am following Monday; other alcoholic beverages on Sunday from 5p to 4a following Monday	Everyday all patrons off premises by 5 am	1000' from schools, church, park, public library child day care center; 1200 from similar use; 750 from residential		Board of Co. Comm.
Aventura	B3 district (heavy business, semi- industrial), as Cond. Use	Total nudity, no touching by patrons	Not stated	None stated	1000' from schools, church, park, library, day care center; 1000' from ea. other; 660 feet from residential		
Hialeah	In districts where book video stores, movie theaters and nightclubs are permitted	Total nudity; no physical contact with anyone on the premises; no prostitution or solicitation, & others	Permitted in nude clubs (nightclubs with totally nude entertainment)	None stated	1000' from similar use; 500' from schools, child care, church, residential zoning or classified as such in FLUM	By City Council approval	
Village of Key Biscayne Miami	Not permitted District not specified	Not specified	Not specified	None stated	1000' from residential, school or park	No	
Mami Beach	In commercial districts only	Prohibitions: Dancing or simulating sexual activity with anyone on	Not permitted in totally nude establishments		300' from residential; 300' from churches, schools, park or	Zoning Board of Adjustment	Circuit Court

Jurisdiction	Permitted	the premises; shall be at least 3' from a patron; private rooms; conversation with patrons on the premises prior to, during or after a performance; prostitution or solicitation.	Liquor	Hours	playground; 1000' from similar use.	Variance For distance	Appeals
North Miami	in M-1 (industrial)	No private viewing rooms;	Prohibited in adult entertainment establishments		500' from similar use, residential, house of worship, park, or school	No	Circuit Court
North Miami Beach	B-5 – medium industrial	Prohibits total nudity where alcoholic beverages are served. No lap dancing, private performance touching allowed.	Not permitted in totally nude establishments	Not allowed to provide services between the hours of 2 a.m. and 9 am any day of the week	1000' from religious institution, educational institution; 500' from residential; 1000' from parks; 200' from alcoholic beverage establish.		City Council
Broward Co.	Planned commercial and industrial centers	No lap dancing; no sexual activity; no touching below the neck and above the knee; no private performance	None stated	Shall be closed between the hours of 2:00 a.m. and 8:00 am on all days	1000' from similar use, place of worship, child care center, educational facility; 500' from residential.		

The ordinance under review proposes the following:

- 1. The sale of alcoholic beverage in totally nude entertainment establishments.
- 2. The minimum building size of the alcoholic beverage establishment permitting partial or total nudity shall be 7,000 square feet.

- 3. The minimum number of seats in alcoholic beverage establishment with total or partial nudity entertainment shall be no less than 250.
- 4. Patron age restriction as specified in Section 6-5.
- 5. Signs subject to the review and approval of the Design Review or Historic Preservation Boards, whichever has jurisdiction.
- 6. Hours of operation shall be from noon to 5:00 a.m.
- 7. Lap dancing would be permitted.
- 8. Total nudity would be permitted only while performing on stage.

It should be noted that distance separation is addressed both in the City Code and the State Statutes.

CONCLUSION

It is recommended that the City Commission approve the proposed ordinance on first reading and set a second reading for the February 4, 2004 meeting.

Pursuant to Section 2.05 of the City Charter, a proposed ordinance may be read by title or in full on at least two separate dates and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the municipality.

JMG/CMC/JGG/ML

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ORDINANCE	NO.	

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6. "ALCOHOLIC BEVERAGES." OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING SECTIONS 6-40 AND 6-41 "TOTAL NUDITY AND SEXUAL PROHIBITED," AND "PROVISIONS CONDUCT PERTAINING TO **ESTABLISHMENTS** PERMITTING OR TOTAL NUDITY." PARTIAL TO **ALLOW LICENSED ALCOHOLIC ESTABLISHMENTS** AS BEVERAGE ESTABLISHMENTS TO OFFER PARTIAL AND TOTAL NUDE ADULT ENTERTAINMENT; PROVIDING FOR CODIFICATION, REPEALER, NONSEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Code of the City of Miami Beach, as permitted by state law, contains various restrictions on the sale of alcoholic beverages within the City; and

WHEREAS, Sections 6-40 and 6-41 of the Code restrict the sale of alcoholic beverages by persons maintaining, owning, managing or operating an establishment permitting partial or total nudity; and

WHEREAS, the City Commission recognizes the need to provide sufficient opportunity for patrons of businesses in the City to compete with other venues that afford alcoholic beverage establishments offering partial or total nude adult entertainment; and

WHEREAS, in the interest of improving the efficiency of allowing certain alcohol beverage establishments to offer partial and total nude adult entertainment, it is recommended that an ordinance amendments be adopted; and

WHEREAS, this ordinance accomplishes the purposes set forth above.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 6, entitled "Alcoholic Beverages," of the Code of the City of Miami Beach, Sections 6-40 and 6-41, entitled "Total nudity and sexual conduct prohibited" and "Provisions pertaining to establishments permitting partial or total nudity," are hereby amended to read as follows:

Sec. 6-40. Total nudity and sexual conduct prohibited.

- (a) It shall be unlawful for any person maintaining, owning, managing or operating an alcoholic beverage establishment to knowingly, or with reason to know, suffer or permit total nudity or sexual conduct to occur on the premises of that alcoholic beverage establishment, except as provided herein.
- (b) It shall be unlawful for any person, while on the premises of an alcoholic beverage establishment, to expose to public view those portions of anatomy defined as total nudity, or engage in any sexual conduct, except as provided herein.
- (c) An adult entertainment establishment permitting live total nudity under an active occupational license may obtain an alcoholic beverage license, provided, it complies with all state, county, and municipal requirements.

Sec. 6-41. Provisions pertaining to establishments permitting partial or total nudity.

- (a) Location generally. No alcoholic beverage establishment permitting partial <u>or total</u> nudity is permitted on a parcel of land located:
 - (1) Within 300 feet of any district designated as RS, RM, or RPS on the city's official zoning district map;
 - (2) Within 300 feet of any parcel of land upon which a house of worship, school, public park or playground is located; or
 - (3) Within 1,000 feet of any parcel of land upon which another adult entertainment establishment is located.

A hotel with a minimum of 300 units shall be exempt from subsections (a)(1), (2) and (3) of this section.

- (b) Location, mandatory requirements.
 - (1) The minimum building size of the alcoholic beverage establishment permitting partial or total nudity shall be 8,000 7,000 square feet.
 - (2) An alcoholic beverage establishment permitting partial <u>or total</u> nudity shall have no less than 250 seats.
 - (3) An alcoholic beverage establishment permitting partial <u>or total</u> nudity shall have a full-service restaurant and kitchen on-site, offering a complete menu during the operating hours of the establishment. <u>Patron age restriction shall</u> be enforced as specified in Section 6-5.

- (4) Parking required for an alcoholic beverage establishment permitting partial <u>or total</u> nudity shall be a minimum of one space per three seats, all of which shall be located on-site, <u>except</u> as provided in Chapter 130.
- (5) An alcoholic beverage establishment permitting partial <u>or total</u> nudity shall have no exterior signage describing or depicting the activities regulated by this article taking place within the premises <u>depicting any nudity, and permitted signs shall be subject to the review and approval of the Historic Preservation Board or Design Review Board, whichever by law has jurisdiction.</u>
- (6) Partial <u>or total</u> nudity in alcoholic beverage establishments shall occur only between the hours of 8:00 p.m. and 4:00 a.m. of noon and 5:00 a.m.

The minimum distance separation shall be measured by following a straight line from the main entrance or exit in which partial <u>or total</u> nudity associated with an alcoholic beverage establishment occurs to the nearest point of the property designated as RS, RM, or RPS on the city's official zoning district map or used for house of worship, school, or public park or playground. In cases where a minimum distance is required between an alcoholic beverage establishment permitting partial <u>or total</u> nudity, and another adult entertainment establishment, the distance separation shall be determined by measuring a straight line between the principal means of entrance of each use.

- (c) Prohibited activities. No person shall own, operate, manage, work or perform, at any alcoholic beverage establishment permitting partial <u>or total</u> nudity on the premises unless the following mandatory requirements are observed therein:
 - (1) Persons engaged in displaying partial <u>or total</u> nudity are prohibited from dancing or simulating sexual activity with any patron, spectators, employee or other person on the premises. <u>Lap dancing shall not be considered a violation of this ordinance.</u>
 - (2) No person shall engage in the display or exposition of partial <u>or total</u> nudity except while the person is positioned at least three feet from a patron, <u>except for lap dancing as permitted herein</u>. <u>It shall not be a violation of this section for touching of a performer or dancer while partially or totally nude by a patron for the sole purpose of providing a gratuity.</u>
 - (3) No person maintaining, owning, or operating such an establishment shall suffer or permit the construction, maintenance or use of areas partitioned or screened from public view <u>and public areas</u> that are designed to be occupied or are commonly occupied alone or together by any person or persons on the premises of such establishment for private performances involving the display or exhibition of partial <u>or total nudity</u>.

- (4) No person on the premises of such establishment shall be permitted to use or to be present in areas partitioned or screened from public view <u>and public</u> <u>areas</u> that are designed to be occupied together or alone by any person or persons on the premises of such establishment for the display or exhibition of partial <u>or total</u> nudity.
- (5) No partially totally nude person who performs in the establishment shall be permitted to converse with patrons regarding any prohibited activity while on the premises prior to, during or after a performance. Performers may be totally nude only while performing on stage, except that performers may be topless while performing lap dances. Otherwise, performers shall not be topless or totally nude.
- (6) Prostitution or solicitation for prostitution as defined in the F.S. 768.01 shall not occur on the premises.
- (7) There shall be no sale or use of controlled substances as defined in F.S. 893.02(4) on the premises.
- (d) Compliance with codes, standards. The establishment shall be in compliance with all applicable fire, property maintenance and building codes at all times. If a building is an historic structure as defined in section 114-1, it shall conform with the secretary of the interior standards for historic places.
- (e) Department reports. A certificate of use or occupational license shall not be issued until the city manager, or his designee receives reports from the city police, fire, building services and code compliance departments that the above regulations have been complied with.
- (f) Variances. Variances to the provisions of subsections (a) and (b) of this section may be granted pursuant to the procedure in section 118-351 et seg.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word <code>[]</code> or other appropriate word.

SECTION 4. NONSEVERABILITY.

It is the intention of the City Commission that all provisions of this Ordinance are integral to and dependent upon all other provisions thereof, and thus if any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be severable from the portion declared invalid. In the event any portion of this ordinance shall be finally determined invalid by a court of competent jurisdiction, the City Code provisions in effect prior to the effective date hereof shall automatically be reinstated.

SECTION 5. EFFECTIVE DATE.

	This Ordinance shall take effect to	en days following	adoption.
	PASSED and ADOPTED this	day of	, 2004.
ATT	EST:		
			MAYOR
	CITY CLERK		
			APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
		MADUM City Attorney	12-18-03 Date
		Oity / thorridg	Unit Date

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City of Miami Beach





Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

COMMISSION MEMORANDUM

TO:

Mayor David Dermer

DATE:

January 14, 2004

FROM:

Murray H. Dubbin

City Attorney

SUBJECT:

Amending Miami Beach City Code Section 2-22 regarding Term Limits of

Board and Committee Members

Members of the City Commission

Currently, Miami Beach City Code Section 2-22(5) establishes term limits for board and committee members of 8 consecutive years for direct appointments of the City Commission, and 6 consecutives years for at large appointments of the Commission. The attached ordinance suggests amending Code Section 2-22 to provide that an individual appointed to fill a vacancy on a board or committee may serve on that board or committee for the subject term limits, with the period of time served for having filled the vacancy not computed towards the term limit.

On December 16, 2003, the Community Affairs Committee reviewed the attached Ordinance and approved same for presentation to the City Commission at its January 14, 2004 meeting.

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Agenda Item RSE

Date 1-14-04

ORDINANCE	NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE III "AGENCIES, BOARDS AND COMMITTEES", SECTION 2-22(5) THEREOF ESTABLISHING TERM LIMITS OF BOARD AND COMMITTEE MEMBERS, BY PROVIDING THAT SAID TERM LIMITS SHOULD NOT INCLUDE TIME SERVED AS A RESULT OF HAVING FILLED A VACANCY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article III entitled "Agencies, Boards and Committees", Section 2-22 entitled "General Requirements", subsection 5 thereof, is hereby amended to read as follows:

Sec. 2-22 General Requirements.

- (5) All ad hoc agency, board and committee terms shall be one year; all other agency, board and committee terms shall be two years, expiring on December 31 and commencing on January 1.
 - a. Members appointed by individual city commissioners (referred to as "direct appointees") to a specific agency, board or committee shall serve for no more than eight consecutive years on such agency, board or committee.
 - b. Members appointed by the city commission as a whole (referred to as "atlarge appointees") to a specific agency, board or committee shall serve for no more than six consecutive years on such agency, board or committee.

Term limits set forth in subsections (5)a. and b. of this section shall be measured retroactively from an individual's initial appointment to membership on a specific agency, board or committee, said terms not including time served as a member of the specific agency board or committee as a result of having filled a vacancy thereon.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

SECTION 5. EFFECTIVE DATE

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

This Ordinance shall take effect the day of	, 2004.
PASSED and ADOPTED this day of	, 2004.
ATTEST:	MAYOR
CITY CLERK	MAIOR

F: Atto OLIJ RES-ORD Term Limits of Board Members.Ord.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Co	nd	e	ne	ėd	T	itl	ρ.
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To amend the Art in Public Places Ordinance to clarify the definition of terms for eligible construction projects for funding and appropriations, permitted use of fund monies, and procedures for selection of works of art.

Issue:

Should City Commission amend the Art in Public Places Ordinance to clarify the definition of terms for eligible projects for funding as well as the policy and procedures for appropriations, transfers and expenditures?

Item Summary/Recommendation:

Approve as recommended by the Community Affairs Committee on December 16, 2003 to facilitate a process for the funding and management of a viable public art program.

Advisory Board Recommendation:

Approved by the Art in Public Places Committee on September 16, 2003, and the Community Affairs Committee on December 16, 2003.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			-
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's	Office Le	egislative	Tracking:	
		J		

Donna Shaw

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	Cuc	Jang
	/	() 0

AGENDA ITEM RSF

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

From:

Mayor David Dermer and

Date: January 14, 2004

Members of the City Commission

Jorge M. Gonzalez
City Manager

Subject:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82, ARTICLE VII, AMENDING THE DEFINITION

OF TERMS FOR ELIGIBLE CONSTRUCTION PROJECTS FOR FUNDING AND APPROPRIATIONS, PERMITTED USE OF FUND MONIES, AND

PROCEDURES FOR SELECTION OF WORKS OF ART.

ADMINISTRATION RECOMMENDATION

Approve the recommendation.

BACKGROUND

The Community Affairs Committee met on three occasions since the fall of 2002, to discuss Art in Public Places. The Administration was asked to calculate the financial impact if the definition of "public facilities" was expanded to include facilities such as landscaping in parks, pool structures and golf courses. Similarly, the Administration was asked to provide a balance of the AiPP fund, expenses and projections to date. The reconciliation report and master plan were reviewed by the Art in Public Places Committee on September 16, 2003, by the Community Affairs Committee on December 16, 2003, and are presented in a related item in this Commission Agenda for your review and approval.

Amendments to the Ordinance (see attached) include any construction contract which the City is a party for the new construction of, renovations requiring compliance with the Florida Building Code fifty percent (50%) rule, or addition to any city-owned property. This also includes construction projects that are developed by persons or entities other than the city, but which include the participation of the city as a party to a development agreement or ground lease. The intent is to prospectively apply this ordinance to all capital projects that meet this new definition.

Construction costs are defined as "hard costs" which consist of the cost of all labor and include the cost of equipment and materials to be used in a City construction project. Land acquisition costs, architect and engineering fees, other professional consultant fees, site preparation work, environmental remediation costs, and costs associated with subsequent changes in construction contracts are not included. Adjustments will be made to the original allocation only for construction costs associated with city requested change orders in excess of \$500,000.

In an effort to strengthen the Art in Public Places program and secure sufficient funding for a long-term Art in Public Places program, the Committee recommended evaluating the possibility of expanding the definition of "public facilities" to include more projects to be eligible under the AiPP Ordinance. Examples of new projects that would fall under the revised definition, but are not currently considered under the existing definition are parks, pools, and recreational trails.

In lieu of clarification of eligibility per project, the Legal Department has recommended that the following City construction projects not be subject to the provisions of the Ordinance:

- a. Water and sewer related facilities, including but not limited to pump stations, water mains, water lines, sewer lines, treatment facilities.
- b. Storm drainage infrastructure.
- c. Road construction or bridges.
- d. Streetscape beautification projects, which include but are not limited to one or all of the following elements: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.
- e. City construction projects undertaken to replace, reconstruct, or repair an existing public building or facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstance.
- f. The construction, remodeling, repair or improvement to a public electric or gas utility system.
- g. When the City construction project is undertaken as repair or maintenance of an existing public facility and does not trigger the Florida Building Code fifty percent (50%) rule.

Another amendment to the Ordinance provides for construction management to be handled by the City Manager's designee, which would likely be the CIP or Public Works departments. Appropriations for AiPP funds will continue to be awarded at the time of construction contract award for all applicable capital projects throughout the City.

In light of the emerging global image of Miami Beach as a tourism and cultural destination, and taking into consideration the overall cut backs in funding of the arts statewide, the Community Affairs Committee reviewed and approved the proposed Ordinance amendments which will serve to support the enhancement of the image of Miami Beach as a world class tourist destination that supports the arts and is a first class resident community.

CONCLUSION

The Administration recommends the Mayor and Commission amend the Ordinance to reflect the necessary changes therein.

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ARTICLE VII. ART IN PUBLIC PLACES*

<u>Draft revisions</u> <u>August 19 2003</u>

*Cross references: Cultural arts council, § 2-51 et seq.

DIVISION 1. GENERALLY

Sec. 82-536. Intent of article.

It is the intent of this article to enhance the aesthetic environment of the city by including works of art on public property within the city and in city construction projects. The Bass Museum of Art shall be exempt from the provisions of this article.

(Ord. No. 95-2985, § 2(4A-1), 4-5-95)

Sec. 82-537. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Art in public places means works of art of exceptional quality executed on an appropriate scale and for general public access in public places other than museums, which enrich and give diversion to the public environment.

Art in public places committee means the <u>advisory</u> committee appointed by the city commission to carry out the duties and functions set forth in this article.

Construction cost means "hard costs" associated with construction of a city construction project. including architectural and engineering fees, and site work and contingency allowances. Land acquisition costs, architect and engineering fees, site preparation work, environmental remediation costs, and costs associated with subsequent changes in construction contracts are not included. An adjustment will be made to the original allocation only for construction costs associated with city requested change orders in excess of \$500,000.

Construction project city-owned construction project mean any capital project for new city-owned buildings construction or for additions to existing city owned buildings, or paid for wholly or in part by the city. City construction project means any construction contract to which the City of Miami Beach is a party for the new construction of, renovation over \$500,000, or addition to any city-owned building or facility. The definition of city construction project shall also be deemed to include construction projects that are developed by persons or entities other than the city, but which require the participation of the city as a party to a development agreement or ground lease.

Professional advisory committee means a group of arts professionals selected by the arts in public places committee and confirmed by the city commission to recommend works of art or artists for one or more acquisitions. The committees shall-may also contain up to two members of the design review board or historic preservation board, to be <u>determined and</u> selected by such boards, depending upon the location of the project for which the art is intended, and which board would have jurisdiction over the project.

Works of art means the application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof, and artist-designed <u>public facilities</u>, <u>buildings</u>, <u>and/or public</u> spaces and functional elements, either as integral parts of a larger project or as a separate entity.

The provisions of this article shall not apply to the new construction of, renovation, or addition to the following city construction projects:

- a. <u>Water and sewer related facilities, such as pump stations, water mains, water lines, sewer lines, treatment facilities, etc.</u>
- b. Storm drainage infrastructure.
- c. Road construction or bridges.
- d. <u>Beautification projects, which may include: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.</u>

(Ord. No. 95-2985, § 2(4A-2), 4-5-95; Ord. No. 2001-3333, § 1, 11-28-01)

Cross references: Definitions generally, § 1-2.

Secs. 82-538--82-560. Reserved.

DIVISION 2. ART IN PUBLIC PLACES COMMITTEE*

*Cross references: Boards, committees, commissions, § 2-61 et seq.

Sec. 82-561. Established.

- (a) An art in public places committee is hereby established to carry out the functions and duties set forth in section 82-562. The committee shall be composed of seven members appointed by a majority vote of the entire city commission. The members shall possess a high degree of competence in the evaluation of art history, architectural history, art, architecture, sculpture, painting, artistic structural design and other appropriate media for display or integration of art in public places.
- (b) The term of office for committee members shall be two years. Vacancies occurring before the expiration of a term shall be filled by the Mayor for the remainder of that term. Members shall also be subject to automatic removal for excessive absence as provided by Resolution No. 92-20514.
- (c) The committee shall follow the procedures set forth in Resolution No. 92-20514 for conduct of committee meetings, election of officers and periodic reporting to the city commission.

(Ord. No. 95-2985, § 2(4A-6), 4-5-95; Ord. No. 96-3032, § 1(4A-6), 1-24-96)

Sec. 82-562. Powers and duties.

The art in public places committee shall have the following powers and duties:

- (1) To recommend to the city commission whether a particular proposed <u>city</u> construction project is an appropriate site for works of art and whether all or a part of the appropriation required by section 82-587 should be <u>waived</u> <u>utilized at the site or, in the alternative, placed in the art in public places fund for other acceptable uses</u>.
- (2) To screen submissions and To select recommend to the city commission the selection of existing works of art or to determine whether to commission recommend the selection of new works of art, and screen submissions therefore, for the fulfillment of the requirements of this article. for art in public places within the city.
- (3) To conduct contests and competitions in order to select works of art to be recommended for <u>a</u> particular site.
- (4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of particular works of art for a city construction project or site.
- (5) To be responsible for managing the reproduction rights to each acquisition subject to policies established by the city commission.

- (65) To recommend and oversee the maintenance and insurance necessary to preserve and protect acquisitions. To recommend to the city commission the maintenance and insurance necessary to preserve and protect works of art.
- (76) To make a recommendation to the city commission regarding proposed projects that include works of art and to participate in the planning of such projects.
- (87) To recommend legislation concerning <u>public works of art in the city</u>.
- (98) To make recommendations to the city commission regarding the placement of proposed donations of works of art for placement on public property in the city. or located on public facilities within the city.
- (409) To perform all other duties and functions as requested by the city commission.

(Ord. No. 95-2985, § 2(4A-7), 4-5-95; Ord. No. 99-3162, § 1, 1-6-99)

Sec. 82-563. Legal counsel.

The city attorney's office shall provide legal services to the art in public places committee as may be necessary or as requested by the art in public places committee.

(Ord. No. 95-2985) § 2(4A-8), 4-5-95)

Sec. 82-564. Committee solely liable for obligations.

Unless and until the city commission approves by passage of an appropriate resolution or ordinance the acquisition of a work of art for this program, the cost of such acquisition and all costs associated with such acquisition shall not be an obligation, liability or debt of any kind or nature of the city. Exclusive of the costs approved by the city commission as set forth in this article for the acquisition of a work of art, no obligation, liability or debt of any kind or nature whatsoever incurred or asserted against the art in public places committee shall in any manner whatsoever be an obligation or liability of the city.

(Ord. No. 95-2985, § 2(4A-9), 4-5-95)

Secs. 82-565--82-585. Reserved.

DIVISION 3. FUND

Sec. 82-586. Art in public places fund established.

The city art in public places fund shall be established, to consist of the following:

- (1) Moneys appropriated to the fund by the city commission in accordance with section 82-587.
- (2) Moneys donated to the fund by private individuals and organizations.
- (3) Moneys received by the city from award of grants for the acquisition or maintenance of works of art on public property or at public facilities in the city. Grant monies received by or on behalf of the Bass Museum of Art shall be exempt from placement in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-3), 4-5-95)

Sec. 82-587. Appropriations by the city to the fund.

(a) All appropriations of city funding for construction of city-owned construction projects, including construction of new buildings and/or public facilities or additions to existing structures, shall include an appropriation of funds to the art in public places fund. For new construction Tthe amount appropriated to the art in public places fund shall not be less than 1 1/2 percent of the construction cost of the proposed city construction project. Tthe appropriation to the fund shall be made at the same time asof the award of funding for the construction project—of the

construction contract for said city construction project.—For city requested change orders in excess of \$500,000, at the time of appropriation of monies for the subject change order the applicable art in public places funding allocation shall be transferred to the art in public places fund.

- (b) For city <u>construction</u> projects that <u>also involve participation are developed</u> by persons and entities other than the city, <u>but that are developed pursuant to a development agreement entered into with the city, or which involve the participation of the city as a ground lessor, the required appropriation shall <u>be made at the same time as the appropriation of funding for the construction project and</u> be based upon the construction cost, regardless of whether the construction cost is funded by the city or the person or entity other than the city. This subsection shall not apply to projects by not-for-profit persons or entities recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose total construction budgets are less than \$8,000,000.00.</u>
- (c) If the city commission determines that a particular <u>city construction</u> project is not an appropriate site for works of art, it may waive the required appropriation by resolution, or alternatively, may elect to waive the appropriation, or a portion thereof, and place the funding in the <u>art in public places</u> fund. In making this determination, the city commission shall consider the recommendation of the art in public places committee. <u>The city commission shall also consider whether the funding source for the appropriation (i.e. bond monies, redevelopment area funds, or <u>other public monies) is restricted by any bond constraints or other legal parameters which would restrict the appropriation to the proposed site.</u></u>
- (d) When a <u>city construction</u> project site has been determined <u>not</u> to be an appropriate site for works of art, appropriations made in connection with a<u>that</u> particular <u>city</u> construction project need not be used for works of art to be located on the site of that particular project, <u>except when restricted by the legal parameters of the funding source, including but not limited to, all funding sources stemming from redevelopment area and bond or other public funding sources. A portion of the appropriation for a particular construction site<u>city construction project</u> may be utilized for works of art for that site, with the remainder of the appropriation then being placed in the <u>art in public places fund for use at another site</u>, or the entire appropriation may be placed in the fund.</u>
- (e) Selection of alternative sites, allotment of appropriation for acquisition of works of art for particular sites, and selection of works of art, shall be determined recommended by the committee and approved by the city commission.

(Ord. No. 95-2985, § 2(4A-4), 4-5-95; Ord. No. 2001-3309, § 1, 6-6-01)

Sec. 82-588. Permitted use of fund moneysmonies.

Moneys Monies placed in the art in public places fund shall only be used for the following purposes:

- (1) Acquisition of works of art to be located on <u>city construction projects or on</u> public property in the city or located <u>enin public buildings or in</u> public facilities within the city in accordance with the procedures in sections 82-611 and 82-612. Property selected as a site for the location of works of art pursuant to this article may include both new construction sites and sites of existing buildings on public property or on/in public facilities, or public parks.
- (2) Insurance and/or maintenance of existing works of art acquired by the city <u>under this</u> <u>article</u> in accordance with a yearly budget for such insurance and/or maintenance to be approved by the city commission. The city manager and art in public places committee may provide the city commission with a yearly recommendation regarding this budget. <u>This budget may include funds for maintenance</u>, insurance, and preservation of works of art acquired by the city under this <u>ordinance</u> as part of the total annual appropriations for art in public places.
- (3) Expenses relating to the following:

- a. Research and evaluation by the committee pertaining to proposed works of art, including opinions when necessary from outside experts and/or professional advisory committees;
- b. Expenses related to art contests sponsored by the committee in connection with acquisitions of works of art, including related printing and distribution expenses;
- c. Administrative expenses relating to the operations of the committee, including but not limited to <u>salaries</u>, supplies and equipment for the keeping of minutes and printing and distribution of board agendas and correspondence;
- d. <u>Selected artist t</u>-ravel expenses, at the rates used citywide and approved in advance by the city manager.

All such expenses shall be approved as part of the yearly budget for the fund by the city commission after considering the recommended budget submitted by the city manager and the committee.

(Ord. No. 95-2985, § 2(4A-5), 4-5-95)

Secs. 82-589--82-610. Reserved.

DIVISION 4. PROCEDURES

Sec. 82-611. Procedures for site selection.

- (a) The art in public places committee shall evaluate each proposed city construction project to determine its suitability as a location site for works of art. In making its determination, the following factors will be considered:
- (1) Appropriateness of the <u>buildingcity construction project</u> as a <u>location site</u> for works of art.
- (2) Physical layout of the building on the sitecity construction project.
- (3) Exposure Visibility and accessibility to the public.
- (b) Additionally, the committee shall establish a list of existing city-owned sites it considers appropriate sites for works of art. The criteria in subsection (a) of this section shall be used in evaluating potential sites.
- (c) The acquisition, removal, and/or relocation of works of art, as well as the implementation of the proposed Art in Public Places Master Plan shall be in accordance with the criteria set forth in this section and said master plan as approved by separate resolution of the city commission.

(Ord. No. 95-2985, § 2(4A-10), 4-5-95)

Sec. 82-612. Selection of artists and works of art.

- (a) When the art in public places committee recommends a particular city construction project or existing site as being appropriate for art in public places, the committee shall also recommend to the city commission one of the following means of obtaining the works of art:
- (1) Open entry competition. Through appropriate advertisement all artists are invited to enter into competition for a commission to create a work of art for the site. The amount to be paid for the works of art shall be determined by the city commission after considering the committee's recommendation. Artists may be asked to submit slides of their past work, resumes, letters of intent related to the specific project or specific proposals for the project under review.
- (2) Limited entry competition. A limited number of artists are invited to compete as set forth in subsection (a)(1) of this section.

- (3) Direct selection of the artist. An artist or several artists may be selected to develop a proposal for the project or produce the desired works of art.
- (4) Direct purchase of existing works of art. A completed work of art is purchased. No more than ten percent of the costs of the work of art may go to a dealer or agent.
- (b) In the case of a limited competition or a direct selection, an artist may be asked to develop a proposal for a specific project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the committee after consultation with and approval by the city manager and shall consist of a sliding schedule based upon the total project commission. However, in general no more than five percent of the total art in public places allocation for a project should be paid in proposal fees to artists.
- (c) The committee may recommend the appointment of a professional advisory committee to assist with selection of works of art or artists for a particular project. Selection of a professional advisory committee shall be by the art in public places committee and confirmed by the city commission. Reasonable expenses incurred by the professional advisory committee may be reimbursed from the fund in accordance with rates approved in advance by the art in public places committee and the city manager. If the art in public places committee chooses not to use a professional advisory committee to assist in selection process, the committee may instead use the designated members of the design review or historic preservation boards to assist in the selection process.
- (d) The art in public places committee shall consider the recommendations of the professional advisory committee in selecting works of art for particular sitescity construction projects or existing sites.
- (e) Construction of selected works of art where the selected work of art requires construction management, construction shall be managed by the City Manager's designee.
- (e) (f) Selection of artists, sculptors, craftsmen, and professional advisory committee's review of designs and choice and acceptance of works of art shall be by the art in public places committee and must have approval of the city commission. All agreements made pursuant to this article shall be authorized by the city commission.
- (f)_(g)_In selecting/approving works of art, the art in public places committee and/or professional advisory committee and city commission shall consider the following criteria:
- (1) Appropriateness to the <u>city construction project or existing sitesite</u>.
- (2) Maintenance requirements.
- (3) Quality of the work.
- (4) Likeliness that the artist can complete the work within available funding.
- (5) Reflection of enduring artistic concepts, rather than transitory ones.
- (6) History of the artist in terms of completion of works on time.
- (g) (h) In obtaining the advice of the design review board, or historic preservation board, whichever has jurisdiction over the matter based on the location of the proposed project, according to such board's normal application and review procedures, the staff of the art in public places committee shall present the proposal to such boards twice; first, conceptually and prior to the selection of an artist or work, and second, prior to submittal of a final recommendation by the art in public places committee to the city commission. At the time of the board's first review, the boards may impose binding criteria, subject to later reconsideration, on the following matters: location, size, footprint, massing, and relationship to context, including the establishment of a range of acceptable materials.

(Ord. No. 95-2985, § 2(4A-11), 4-5-95; Ord. No. 2001-3333, § 2, 11-28-01)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, following numerous discussions at the Community Affairs Committee, the Administration, in concert with the City's Art in Public Places Committee, has undertaken a comprehensive review of the City's Art in Public Places legislation, as codified in Chapter 82, Article VII, Divisions 1 through 4, Section 82-501 through 82-612, of the Code of the City of Miami Beach, Florida (the AIPP Ordinance); and

WHEREAS, in the course of its review of the AIPP Ordinance, the Administration and AIPP Committee have identified numerous proposed amendments, as set forth herein, which, in pertinent part, include the following:

- Revise and clarify the respective definitions of "hard costs" and "city construction project" for purposes of applying required AIPP financial contributions;
- Exemptions of certain types of city construction projects from the AIPP Ordinance;
- Clarifying the powers and duties of the AIPP Committee, and making the Committee structure uniform with the City's agencies, boards, and committees legislation;
- Expanding required appropriations to the AIPP fund to include city construction projects where the City is a party to a development agreement and/or a ground lease;
- Providing that the acquisition, removal, and/or relocation of works of art be in accordance with the criteria set forth with the Art in Public Places Master Plan, as shall be adopted by resolution of the City Commission; and

WHEREAS, accordingly, the Administration and the Art in Public Places Committee would recommend approval of the foregoing amendments, as set forth herein, to the City's Art in Public Places Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1.

That Chapter 82, Article VII, Divisions 1 through 4, Section 82-501 through 82-612, of this Code of the City of Miami Beach, Florida, is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 82-536. Intent of article.

It is the intent of this article to enhance the aesthetic environment of the city by including works of art on public property within the city and in city construction projects. The Bass Museum of Art shall be exempt from the provisions of this article.

(Ord. No. 95-2985, § 2(4A-1), 4-5-95)

Sec. 82-537. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Art in public places means works of art of exceptional quality executed on an appropriate scale and for general public access in public places, other than museums, which enrich and give diversion to the public environment.

Art in public places committee means the <u>advisory</u> committee appointed by the city commission to carry out the duties and functions set forth in this article.

Construction cost means "hard costs" associated with construction of a city construction project. including architectural and engineering fees, and site work and contingency allowances. Land acquisition costs, architect and engineering fees, site preparation work, environmental remediation costs, and costs associated with subsequent changes in construction contracts, except as provided in the proceeding sentence, are not included. An adjustment will be made to an the original allocation art in public places appropriation only for construction costs associated with city requested change orders in excess of \$500,000.

Construction project, city-owned construction project means any capital project for new city-owned building construction or for additions to existing city owned building, paid for wholly or in part by the city. City construction project means any construction contract to which the City of Miami Beach is a party for the new construction of, renovation over \$500,000, or addition to, any city-owned building or facility. The definition of city construction project shall also be deemed to include construction projects that are developed by persons or entities other than the city, but which require the participation of the city as a party to a development agreement or ground lease.

Professional advisory committee means a group of arts professionals selected by the arts in public places committee and confirmed by the city commission to recommend works of art or artists for one or more acquisitions. The committees shall may also contain up to two members of the design review board or historic preservation board, to be determined and selected by such boards, depending upon the location of the project for which the art is intended, and which board would have jurisdiction over the project.

Works of art means the application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof, and artist-designed <u>public facilities</u>, <u>buildings</u>, <u>and/or public</u> spaces and functional elements, either as integral parts of a larger project or as a separate entity.

The provisions of this article shall not apply to the new construction of, renovation, or addition to the following city construction projects:

- a. <u>Water and sewer related facilities, such as pump stations, water mains, water lines, sewer lines, treatment facilities, etc.</u>
- b. Storm drainage infrastructure.
- c. Road construction or bridges.
- d. <u>Beautification projects</u>, <u>which may include: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.</u>

(Ord. No. 95-2985, § 2(4A-2), 4-5-95; Ord. No. 2001-3333, § 1, 11-28-01)

Cross references: Definitions generally, § 1-2.

Secs. 82-538--82-560. Reserved.

DIVISION 2. ART IN PUBLIC PLACES COMMITTEE*

*Cross references: Boards, committees, commissions, § 2-61 et seq.

Sec. 82-561. Established.

- (a) An art in public places committee is hereby established to carry out the functions powers and duties set forth in section 82-562. The committee shall be composed of seven members appointed by a majority vote of the entire city commission. The members shall possess a high degree of competence in the evaluation of art history, architectural history, art, architecture, sculpture, painting, artistic structural design and other appropriate media for display or integration of art in public places.
- (b) The term of office for committee members shall be two years. Vacancies occurring before the expiration of a term shall be filled by the Mayor for the remainder of that term. Members shall also be subject to automatic removal for excessive absence as provided by Resolution No. 92-20514.
- (c) The committee shall follow the procedures set forth in Resolution No. 92-20514 for conduct of committee meetings, election of officers and periodic reporting to the city commission.

(Ord. No. 95-2985, § 2(4A-6), 4-5-95; Ord. No. 96-3032, § 1(4A-6), 1-24-96)

Sec. 82-562. Powers and duties.

The art in public places committee shall have the following powers and duties:

- (1) To recommend to the city commission whether a particular proposed <u>city</u> construction project is an appropriate site for works of art and whether all or a part of the appropriation required by section 82-587 should be <u>waived</u> <u>utilized</u> at the site or, in the alternative, placed in the art in public places fund for other acceptable uses.
- (2) To screen submissions and To select recommend to the city commission the selection of existing works of art or to determine whether to commission recommend the selection of new works

of art, and screen submissions therefore, for the fulfillment of the requirements of this article. for art in public places within the city.

- (3) To conduct contests and competitions in order to select works of art to be recommended for <u>a</u> particular site.
- (4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of particular works of art for a project or sitecity construction project.
- (5) To be responsible for managing the reproduction rights to each acquisition subject to policies established by the city commission.
- (65) To recommend and oversee the maintenance and insurance necessary to preserve and protect acquisitions. To recommend to the city commission the maintenance and insurance necessary to preserve and protect works of art.
- (76) To make a recommendation to the city commission regarding proposed projects that include works of art and to participate in the planning of such projects.
- (87) To recommend legislation concerning <u>public works of art in the city</u>.
- (98) To make recommendations to the city commission regarding the placement of proposed donations of works of art for placement on public property in the city. or located on public facilities within the city.
- (109) To perform all other duties and functions as requested by the city commission.

(Ord. No. 95-2985, § 2(4A-7), 4-5-95; Ord. No. 99-3162, § 1, 1-6-99)

Sec. 82-563. Legal counsel.

The city attorney's office shall provide legal services to the art in public places committee as may be necessary or as requested by the art in public places committee.

(Ord. No. 95-2985, § 2(4A-8), 4-5-95)

Sec. 82-564. Committee solely liable for obligations.

Unless and until the city commission approves by passage of an appropriate resolution or ordinance the acquisition of a work of art for this program, the cost of such acquisition and all costs associated with such acquisition shall not be an obligation, liability or debt of any kind or nature of the city. Exclusive of the costs approved by the city commission as set forth in this article for the acquisition of a work of art, no obligation, liability or debt of any kind or nature whatsoever incurred or asserted against the art in public places committee shall in any manner whatsoever be an obligation or liability of the city.

(Ord. No. 95-2985, § 2(4A-9), 4-5-95)

Secs. 82-565--82-585. Reserved.

DIVISION 3. FUND

Sec. 82-586. Art in public places fund established.

The city art in public places fund shall be established, to consist of the following:

- (1) Moneys appropriated to the fund by the city commission in accordance with section 82-587.
- (2) Moneys donated to the fund by private individuals and organizations.
- (3) Moneys received by the city from award of grants for the acquisition or maintenance of works of art on public property or at public facilities in the city. Grant monies received by or on behalf of the Bass Museum of Art shall be exempt from placement in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-3), 4-5-95)

Sec. 82-587. Appropriations by the city to the fund.

- (a) All appropriations of city funding for construction of city-owned construction projects, including construction of new buildings and/or public facilities or additions to existing structures, shall include an appropriation of funds to the art in public places fund. For new construction Tthe amount appropriated to the art in public places fund shall not be less than 1 1/2 percent (1 ½ %) of the construction cost of the proposed city construction project. Tthe appropriation to the fund shall be made at the same time asof the award of funding for the construction project—of the construction contract for said city construction project. For city requested change orders in excess of \$500,000, at the time of appropriation of monies for the subject change order, the applicable art in public places funding allocation shall be transferred to the art in public places fund.
- (b) For city <u>construction</u> projects that also involve participation are developed by persons and entities other than the city, <u>but that are developed pursuant to a development agreement entered into with the city, or which involve the participation of the city as a ground lessor, the required appropriation shall <u>be made at the same time as the appropriation of funding for the construction project and</u> be based upon the construction cost, regardless of whether the construction cost is funded by the city or the person or entity other than the city. This subsection shall not apply to projects by not-for-profit persons or entities recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose total construction budgets are less than \$8,000,000.00.</u>
- (c) If the city commission determines that a particular <u>city construction</u> project is not an appropriate site for works of art, it may waive the required appropriation by resolution, or alternatively, may elect to waive the appropriation, or a portion thereof, and place the <u>funding monies</u> in the <u>art in public places</u> fund. In making this determination, the city commission shall consider the recommendation of the art in public places committee. <u>The city commission shall also consider whether the funding source for the appropriation (i.e. bond monies, redevelopment area funds, or other public monies) is restricted by any bond constraints or other legal parameters which would restrict the appropriation to the proposed site.</u>
- (d) When a <u>city construction</u> project site has been determined <u>not</u> to be an appropriate site for works of art, appropriations made in connection with a<u>that</u> particular <u>city</u> construction project need not be used for works of art to be located on the site of that particular project, except when restricted

by the legal parameters of the funding source, including but not limited to, all funding sources stemming from redevelopment area and bond or other public funding sources. A portion of the appropriation for a particular construction sitecity construction project may be utilized for works of art for that site, with the remainder of the appropriation then being placed in the art in public places fund for use at another site, or the entire appropriation may be placed in the fund.

(e) Selection of alternative sites, allotment of appropriation for acquisition of works of art for particular sites, and selection of works of art, shall be determined recommended by the committee and approved by the city commission.

(Ord. No. 95-2985, § 2(4A-4), 4-5-95; Ord. No. 2001-3309, § 1, 6-6-01)

Sec. 82-588. Permitted use of fund moneysmonies.

Moneys Monies placed in the art in public places fund shall only be used for the following purposes:

- (1) Acquisition of works of art to be located on <u>city construction projects or on public property</u> in the city or located on <u>in public buildings or in public facilities</u> within the city in accordance with the procedures in sections 82-611 and 82-612. Property selected as a site for the location of works of art pursuant to this article may include both new construction sites and sites of existing buildings on public property or on/in public facilities, or public parks.
- (2) Insurance and/or maintenance of existing works of art acquired by the city <u>under this article</u> in accordance with a yearly budget for such insurance and/or maintenance to be approved by the city commission. The city manager and art in public places committee may provide the city commission with a yearly recommendation regarding this budget. <u>This budget may include funds for maintenance, insurance, and preservation of works of art acquired by the city pursuant to this article as part of the total annual appropriations for art in public places.</u>
- (3) Expenses relating to the following:
- a. Research and evaluation by the committee pertaining to proposed works of art, including opinions when necessary from outside experts and/or professional advisory committees;
- b. Expenses related to art contests sponsored by the committee in connection with acquisitions of works of art, including related printing and distribution expenses;
- c. Administrative expenses relating to the operations of the committee, including but not limited to <u>salaries</u>, supplies and equipment for the keeping of minutes and printing and distribution of board agendas and correspondence;
- d. <u>Selected artist t</u>Travel expenses, at the rates used citywide and approved in advance by the city manager.

All such expenses shall be approved as part of the yearly budget for the fund by the city commission after considering the recommended budget submitted by the city manager and the committee.

(Ord. No. 95-2985, § 2(4A-5), 4-5-95)

Secs. 82-589--82-610. Reserved.

DIVISION 4. PROCEDURES

Sec. 82-611. Procedures for site selection.

- (a) The art in public places committee shall evaluate each proposed city construction project to determine its suitability as a <u>location site</u> for works of art. In making its determination, the following factors will be considered:
- (1) Appropriateness of the buildingcity construction project as a location site for works of art.
- (2) Physical layout of the building on the sitecity construction project.
- (3) Exposure Visibility and accessibility to the public.
- (b) Additionally, the committee shall establish a list of existing city-owned sites it considers appropriate sites for works of art. The criteria in subsection (a) of this section shall be used in evaluating potential sites.
- (c) The acquisition, removal, and/or relocation of works of art, shall be in accordance with the criteria set forth in this section and the art in public places master plan, as approved by resolution of the city commission.

(Ord. No. 95-2985, § 2(4A-10), 4-5-95)

Sec. 82-612. Selection of artists and works of art.

- (a) When the art in public places committee recommends a particular city construction project or existing site as being appropriate for art in public places, the committee shall also recommend to the city commission one of the following means of obtaining the works of art:
- (1) Open entry competition. Through appropriate advertisement all artists are invited to enter into competition for a commission to create a work of art for the site. The amount to be paid for the works of art shall be determined by the city commission after considering the committee's recommendation. Artists may be asked to submit slides of their past work, resumes, letters of intent related to the specific project or specific proposals for the project under review.
- (2) Limited entry competition. A limited number of artists are invited to compete as set forth in subsection (a)(1) of this section.
- (3) Direct selection of the artist. An artist or several artists may be selected to develop a proposal for the project or produce the desired works of art.
- (4) Direct purchase of existing works of art. A completed work of art is purchased. No more than ten percent of the costs of the work of art may go to a dealer or agent.
- (b) In the case of a limited competition or a direct selection, an artist may be asked to develop a proposal for a specific project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the committee after consultation with and approval by the city manager and shall consist of a sliding schedule based upon the total project commission. However, in general no more than five percent of the total art in public places allocation for a project should be paid in proposal fees to artists.
- (c) The committee may recommend the appointment of a professional advisory committee to

assist with selection of works of art or artists for a particular project. Selection of a professional advisory committee shall be by the art in public places committee and confirmed by the city commission. Reasonable expenses incurred by the professional advisory committee may be reimbursed from the fund in accordance with rates approved in advance by the art in public places committee and the city manager. If the art in public places committee chooses not to use a professional advisory committee to assist in selection process, the committee may instead use the designated members of the design review or historic preservation boards to assist in the selection process.

- (d) The art in public places committee shall consider the recommendations of the professional advisory committee in selecting works of art for particular sitescity construction projects or existing sites.
- (e) Construction of selected works of art where the selected work of art requires construction management, construction shall be managed by the city manager's designee.
- (e) (f) Selection of artists, sculptors, craftsmen, and professional advisory committee's review of designs and choice and acceptance of works of art shall be by the art in public places committee and must have approval of the city commission. All agreements made pursuant to this article shall be authorized by the city commission.
- (f)_(g) In selecting/approving works of art, the art in public places committee and/or professional advisory committee and city commission shall consider the following criteria:
- (1) Appropriateness to the <u>city construction project or existing sitesite</u>.
- (2) Maintenance requirements.
- (3) Quality of the work.
- (4) Likeliness that the artist can complete the work within available funding.
- (5) Reflection of enduring artistic concepts, rather than transitory ones.
- (6) History of the artist in terms of completion of works on time.
- (g) (h) In obtaining the advice of the design review board, or historic preservation board, whichever has jurisdiction over the matter based on the location of the proposed project, according to such board's normal application and review procedures, the staff of the art in public places committee shall present the proposal to such boards twice; first, conceptually and prior to the selection of an artist or work, and second, prior to submittal of a final recommendation by the art in public places committee to the city commission. At the time of the board's first review, the boards may impose binding criteria, subject to later reconsideration, on the following matters: location, size, footprint, massing, and relationship to context, including the establishment of a range of acceptable materials.

(Ord. No. 95-2985, § 2(4A-11), 4-5-95; Ord. No. 2001-3333, § 2, 11-28-01)

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION	N 5. EFFECTIVE DATE		
Th	is Ordinance shall take effect	the day of	, 2004.
PA	ASSED and ADOPTED this	day of	, 2004.
ATTEST:	: : : : :		MAYOR
CITY CL. F:\atto\AGUR\R	ERK RESOS-ORD\Art in Public Places - Ordinanc	e.doc	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
			City Attorney Date

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OFFICE OF THE CITY ATTORNEY





Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

COMMISSION MEMORANDUM

TO:

Mayor David Dermer

Members of the City Commission

DATE:

January 14, 2004

FROM:

Murray H. Dubbin

City Attorney

SUBJECT:

Ordinance amending City Code Chapter 2 regarding "Lobbyists"

The attached ordinance, amending several provisions in Chapter 2 of the Miami Beach City Code regarding "Lobbyists", is being presented primarily as a housekeeping matter; the amendments reflect those enacted by the Miami-Dade County Commission in May, 2003 with regard to the County's laws on Lobbyists.

Most significantly, the attached proposal redefines in part the definition of "lobbyists" by excluding certain categories of individuals from its application.

This matter has been reviewed by the Community Affairs Committee and approved for presentation to the City Commission.

Agenda Item

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 3 THEREOF ENTITLED "LOBBYISTS," ESTABLISHING EXEMPTIONS FROM DEFINITION OF "LOBBYIST," AMENDING REGISTRATION FEE PROVISIONS, EXPANDING CONTINGENCY FEE PROHIBITION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article VII, Division 3 entitled "Lobbyists," is hereby amended to read as follows:

Sec. 2-481. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city commissioners.

Autonomous personnel includes but is not limited to the members of the housing authority, personnel board, pension boards, and such other autonomous or semi-autonomous authorities, boards and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined functions or areas of responsibility.

Commissioners means the mayor and members of the city commission.

Departmental personnel means the city manager, all assistant city managers, all department heads, the city attorney, chief deputy city attorney and all assistant city attorneys; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Lobbyist means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee. as well as any employee

whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons:

Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

Quasi-judicial personnel means the members of the planning board, the board of adjustment and such other boards and agencies of the city that perform such quasi-judicial functions. The nuisance abatement board, special master hearings and administrative hearings shall not be included for purposes of this division as to those individuals compelled to appear before said agencies.

The persons specifically excluded above from the definition of "lobbyist" shall, prior to communicating with subject city personnel, disclose in writing to the city clerk, their name, address, and principal on whose behalf they are communicating.

Sec. 2-482. Registration.

- (a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$\sum_{125.00}\$, as specified in appendix A and state under oath:
- (1) His name:
- (2) His business address;
- (3) The name and business address of each person or entity which has employed the registrant to lobby;
- (4) The commissioner or personnel sought to be lobbied; and
- (5) The specific issue on which he has been employed to lobby-; and
- The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. (See, Code Section 2-485, herein.)
- (b) Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- (d) Separate registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid,

- or public hearing number. The city clerk shall reject any registration statement not providing a description of the specific issue on which such lobbyist has been employed to lobby.
- (e)(d) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- (f)(e) In addition to the registration fee required in subsection (a) of this section, registration of all lobbyists shall be required prior to October 1 of every even numbered each year; and the fee for biennial annual registration shall be \$ 125.00, as specified in appendix A.
- (g)(f) In addition to the matters addressed above, eEvery registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city commissioner or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (h)(g) The registration fees required by subsections (a) and (f) of this section shall be deposited by the clerk into a separate account and shall be expended only to cover the for the purpose of recording, transcribing, administration, and other costs incurred in administering the provisions of this division maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the eity manager shall city commission may in its discretion, waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant. Prior to conducting any lobbying on a matter, all lobbyists subject to the registration requirements of this section principals must file a form with the city clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of "lobbyist" as set forth in Section 2-481 above) who only appears as a representative of a nonprofit not-forprofit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, or indirect or contingent, to express support of or opposition to any item, shall not be required to register with the clerk as required by this section but, shall not be required to pay any registration fees. Copies of registration forms shall be furnished to each commissioner or other personnel named on the forms.
- (i)(h) All members of the city commission and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied with the requirements of this division. Commissioners or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the commissioner or the relevant committee, board or city personnel.
- (j)(i) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

Sec. 2-483. Exceptions to registration.

(a) Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his official capacity shall not be required to register as a

lobbyist.

(b) Any person who only appears in his individual capacity at a public hearing before the city commission, planning board, board of adjustment, or other board or committee and has no other communication with the personnel defined in section 2-481, for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner or neighborhood associations. All speakers shall, however, sign up on forms available at the public hearing. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

Sec. 2-484. Sign-in logs.

In addition to the registration requirements addressed above, all city departments, including the offices of the mayor and city commission, the offices of the city manager, and the offices of the city attorney, shall maintain signed sign-in logs for all noncity employees or personnel for registration when they meet with any personnel as defined in section 2-481.

Sec. 2-485. List of expenditures; fee disclosure; reporting requirements.

- (a) On October 1 of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (b) Each lobbyist and his/her principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting as such.
- Any person who only appears as a representative of a nonprofit corporation or entity (such as a charitable organization, a neighborhood or home owner association, a local chamber of commerce or trade union), without special compensation for the appearance, whether direct or indirect, to express support of or opposition to any item, shall, in addition to not having to register as a lobbyist per subsection 2 482(h), be further exempt from this section's requirement of fee disclosure.
- (d)(c) Any change to information originally filed shall require that the lobbyist (and principal under subsection (b) above) file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate

- information and amend said reports when so needed.
- (e)(d) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in sections (a) and (b) above. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by December 1 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Miami Dade County Ethics Commission.
- (f)(e) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
- (g)(f) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

Sec. 2-485.1. Penalties.

- (a) A finding by the Miami-Dade County Commission on Ethics and Public Trust that a person has violated this division shall subject said person to those penalties set forth within subsections 2-11.1(s) and (u)(z) of the Metropolitan Dade County Code, said penalties including admonition, public reprimand, fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.
 - Also, a bidder or proposer shall be subject to the debarment provisions of sections 2-397 through 2-406 Miami Beach City Code Chapter 2, Division 5 as if the bidder or proposer were a contractor where the bidder or proposer has violated this division either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, RFP, RFQ, RFLI; provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.
- (b) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city commission or city personnel, board or committee, shall not be affected by the failure of any person to comply with the provisions of this division.

Sec. 2-485.2. Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

Sec. 2-485.3. Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist another person. No lobbyist person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the city commission; (2) any action, decision or recommendation of the city manager or any city board or committee; or (3) any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the	e day of	, 2004.
PASSED and ADOPTED this	day of	, 2004.
ATTEST:		MAYOR
CITY CLERK F:\atto\OLIJ\RES-ORD\City Code Chapter 2, Article VII, Division	on 3 (Lobbyist).doc	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution of the Mayor and City Commission, authorizing the execution of an Interlocal Agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami-Dade County and the Children's Trust, an independent special taxing district for the purpose of establishing the use of tax increment revenues to be derived from the imposition of not to exceed one-half (½)mill tax levy by the Trust against real property located within the South Pointe and City Center redevelopment areas.

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Should the City Commission approve the execution of the Interlocal Agreement?

Item Summary/Recommendation:

On October 17, 2003, the Board of County Commissioners enacted Ordinance No. 03-210, whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all Community Redevelopment Agencies, in their sole discretion, to exempt the Children's Trust Ad Valorem ½ mill Tax levy from collection into the Redevelopment Trust Fund. Consequently, the City is unable to obtain review of its matters, including the CRA budget, by the Board because it cannot comply with the Ordinance without violating the CRA's pledges to the Bond holders that requires all present and future tax increment revenues from each CRA District to be available for the repayment of debt service on the Bonds relating to such CRA District. Pursuant to the direction of the City's Finance and Citywide Projects Committee, the Administration has met with the Children's Trust, which in turn has resulted in the drafting of the attached Interlocal Agreement. The proposed Agreement not only satisfies the provisions of the bond covenants as required by Counsel, but also provides that in exchange for the City and CRA's cooperation, the Trust will make available funds in the amount of Trust Fund Revenues generated from the CRA districts, for eligible service providers and children's programs within the City of Miami Beach, without limiting the ability to access other Children's Trust programs.

Advisory Board Recommendation:

Finance and Citywide Projects Committee, December 22, 2003 – Motion to recommend the Interlocal Agreement for approval to the full City Commission and the Redevelopment Agency Board.

Financial Information:

Source of	Amount	Account	Approved
Funds:	1		
	2		
	3		
	4		
Finance Dept.	Total		

City Clerk's Office Legislative Tracking:

Christina M. Cuervo/Kent O. Bonde/Anna Parekh

Sign-Offs:

Department Director	Assistant City Manag	ger City Manager
	CNG.	Janes
T:\AGENDA\2004\Jan14\Regular\Children	's Trust Summary	J = J

AGENDA ITEM R7A

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January, 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), MIAMI-DADE COUNTY, FLORIDA, AND THE CHILDREN'S TRUST, MIAMI-DADE COUNTY, AN INDEPENDENT SPECIAL TAXING DISTRICT, FOR THE PURPOSE OF ESTABLISHING THE USE OF TAX INCREMENT REVENUES TO BE DERIVED FROM THE IMPOSITION OF A NOT TO EXCEED ONE- HALF (1/2) MILL TAX LEVY BY THE TRUST AGAINST REAL PROPERTY LOCATED WITHIN THE SOUTH POINTE REDEVELOPMENT AREA AND THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, RESPECTFULLY (THE "TRUST REVENUES").

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS

On September 10, 2002, the voters of Miami-Dade County voted to amend the Home-Rule Charter to rename the independent special taxing district "The Children's Trust" and to authorize the levy of an additional ad valorem tax not to exceed one-half (1/2) mill for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility.

On October 17, 2003, the Board of County Commissioners enacted Ordinance No. 03-210. whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all Community Redevelopment Agencies, in their sole discretion, to exempt the Children's Trust Ad Valorem 1/2 mill Tax levy from collection into the redevelopment trust fund. In the case of the City Center, the amount of the contribution would be \$572.876 and in the case of South Pointe, \$592.809. Additionally, the County was seeking Resolutions from each of the affected municipalities exempting the Trust Fund. On August 4, 2003 at the County Tax Increment Finance (TIF) Committee meeting, the County Attorney stated that there would be no formal request submitted to each Agency for the exemption from the Trust but that alternatively, the municipalities should exempt the special January 14, 2004 Commission Memorandum Children's Trust Interlocal Agreement Page 2 of 3

district in their sole discretion and based upon the Board of County Commissioners anticipated action on September 17, 2003 to adopt the aforementioned ordinance.

On September 16, 2003, the City's Finance and Citywide Projects Committee discussed this issue. Luis Reiter, the City's Bond Counsel, informed the Committee that since existing bond covenants pledge all current and future increment and provide for no specific exclusions or exemptions for special districts, further research would be required to determine if a mechanism could be implemented to grant such exemption. The City Manager recommended initiating discussions with the Children's Trust to dedicate that portion of the Children's Trust revenues generated in the South Pointe and City Center Redevelopment Areas, toward eligible service providers and children programs planned and/or operating within the City's boundaries. The Committee recommended undertaking the necessary research and to pursue negotiations with the County and the Children's Trust.

Subsequent to the discussions between the Children's Trust and the City Administration, the parties have negotiated the attached Interlocal Agreement between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami-Dade County and the Children's Trust, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of the not to exceed one-half (½) mill tax levy by the Trust against real property located within the jurisdictions of the City Center and South Pointe CRAs. The proposed Agreement not only satisfies the provisions of the bond covenants as required by Counsel, but also provides that in exchange for the City and CRA's cooperation, the Trust will make available funds in the amount of Trust Fund Revenues generated from the CRA districts, for programs and services for children and families within the City of Miami Beach, without limiting the ability to access other Children's Trust programs.

On December 22, 2003, the City's Finance and Citywide Projects Committee recommended approval of the Interlocal Agreement to the full City Commission and RDA Board, for consideration at the January 14th Commission meeting and inserted some additional language in Section 3, as follows "The City and/or agency or organization is in no way restricted from participating in, and shall not be prejudiced by, any and all other competitive funding opportunities offered by the Trust". It should be noted that on December 17, 2003, the Board of The Children's Trust approved the Interlocal in substantial form.

It should be noted that that the County Attorney's Office is insisting that the County doesn't need to be a party to this Agreement, on account of the fact that it is already party to a separate agreement, wherein the County memorializes its intent to distribute its portion to the Trust. Notwithstanding the County's position, the City and Bond Counsel maintain that the County needs to be a party to the Agreement, to effectively memorialize the parties' intent to make the appropriate distributions to the Trust. The City is concerned that as it is not a party under the separate agreement, any future termination or amendment to same changing the County's distributions to the Trust therein, could affect the City's obligations vis a vis the proposed Interlocal. Additionally, there is a concern, in the absence of the County being a party to the Interlocal, that an affirmative declaration, by way of the County Administration providing a letter of intent or other administratively executed document, may not have the

January 14, 2004 Commission Memorandum Children's Trust Interlocal Agreement Page 3 of 3

authority to bind the County Commission. The City has communicated to the County that since they have attested to their intent, they shouldn't be precluded from executing the Interlocal.

RECOMMENDATION

As indicated earlier, any future request by municipalities and/or CRA agencies relating to community redevelopment plans, including but not limited to, approval of annual budgets, would require all agencies, in their sole discretion to exempt the Children's Trust, in the form of a Resolution by the respective agency or municipality. Since the City Center and South Pointe RDA FY 2003/04 budgets are scheduled to be considered for approval before the County Commission on January 20, 2004, it is recommended that the City Commission adopt the attached Resolution to execute the Interlocal Agreement as proposed.

JMG:CMC:PDW:KOB:
FILENAME:T:AGENDA\2004\JAN 14\REGULAR\CHILDREN'S TRUST COMM MEMO.DOC
Attachments

RESOLUTION NO.

A RESOLUTION OF MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT **AGENCY** (RDA), MIAMI-DADE COUNTY, FLORIDA, AND THE CHILDREN'S TRUST, MIAMI-DADE COUNTY, AN INDEPENDENT SPECIAL **TAXING** DISTRICT. **FOR** THE **PURPOSE** USE OF **ESTABLISHING** THE TAX INCREMENT REVENUES TO BE DERIVED FROM THE IMPOSITION OF A NOT TO EXCEED ONE-HALF (1/2) MILL TAX LEVY BY THE TRUST AGAINST REAL PROPERTY LOCATED WITHIN THE SOUTH POINTE REDEVELOPMENT AREA AND THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, RESPECTFULLY (THE "TRUST REVENUES").

WHEREAS, The Children's Trust ("The Trust"), an independent special taxing district, was established as a result of a County-wide referendum in which the electors of the County approved the creation of The Trust and its imposition of a not to exceed one-half (½) mill ad valorem tax levy, for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility; and

WHEREAS, the Board of County Commissioners enacted Ordinance No. 03-210 (the "County Ordinance"), with an effective date of October 17, 2003, whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all community redevelopment agencies, in their sole discretion, to exempt The Children's Trust ad valorem ½ mill tax levy from collection into the Redevelopment Trust Fund; and

WHEREAS, application of the County Ordinance to the RDA would potentially have the impact of depriving the City's respective community redevelopment districts, the South Pointe Redevelopment Area ("South Pointe") and City Center/Historic Convention Village Redevelopment and Revitalization Area ("City Center") from receipt and use of tax increment revenues generated by The Trust's tax levy, as the intent of the Ordinance is that all such revenues generated by the tax levy would be deemed The Trust Revenues; and

WHEREAS, the RDA has various series of community redevelopment bonds currently outstanding (the "Bonds"), issued under certain bond resolutions (the "Bond Resolutions"), to which the RDA has pledged all current and future tax increment revenues the RDA is entitled to receive pursuant to Chapter 163, Part III, Florida Statutes (also known as the Community Redevelopment Act of 1969), from all non-exempt taxing authorities, including tax increment revenues from any additional tax levies created subsequent to the issuance of the Bonds, such as The Trust Revenues; and

WHEREAS, the RDA is unable to obtain review of its matters, including review of the South Pointe and City Center budgets by the Board of County Commissioners, because it cannot comply with the County Ordinance without violating the RDA's pledges to the holders of the Bonds that require all present and future tax increment revenues from each of the respective redevelopment areas (South Pointe and City Center) to be available for the repayment of debt service on the outstanding Bonds relating to each redevelopment area;

WHEREAS, at the September 16, 2003 meeting of the City's Finance and Citywide Projects Committee, the City's bond counsel informed the Committee that an agreement would have to be negotiated which would allow the RDA to comply with the intent of the County Ordinance, while also allowing it to remain in compliance with its obligations under the applicable Bond Resolutions; and

WHEREAS, the agreement would provide that the RDA would be permitted to use The Trust Revenues for debt service on the Bonds, but only after all tax increment revenues had been exhausted and, on the last day of the RDA's fiscal year, remit to The Trust, such Trust Revenues that would not be needed for debt service; and

WHEREAS, the City's Finance and Citywide Projects Committee further directed the Administration to enter into discussions with The Trust to dedicate that portion of The Trust Revenues generated within South Pointe and City Center toward eligible children programs planned and/or operating within the City of Miami Beach; and

WHEREAS, subsequent to discussions between The Trust, Miami-Dade County and the City/RDA Administration, the parties have negotiated the attached Interlocal Agreement (the "Interlocal") between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami Dade County and The Trust, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a not to exceed one-half mill tax levy by The Trust against real property located within the South Pointe and City Center redevelopment areas ("The Trust Revenues"); said Interlocal Agreement satisfactorily addresses bond counsel's concerns, but also incorporates the Finance and Citywide Projects Committee's directives with regard to the use of The Trust Revenues collected in South Pointe and City Center toward eligible Children's programs within the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Clerk are hereby authorized to execute the attached Interlocal Agreement by and between the City of Miami Beach, Florida, the Miami Beach Redevelopment Agency, Miami-Dade County, Florida, and The Children's Trust, Miami-Dade County, an independent special taxing district, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a not to exceed one-half (1/2) mill tax levy by The Trust against real property located within the South Pointe Redevelopment Area and the City Center/Historic Convention Village Redevelopment and Revitalization Area, respectfully.

PASSED AND ADOPTED THIS 14TH DAY OF JANUARY, 2004.

-	MAYOR
ATTEST:	
CITY CLERK	
T:\Agenda\2004\Jan14\RDA\Children's Trust Reso.doc Attachments	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	111 by Delli 12-31-03
	City Attorney of Date

INTERLOCAL AGREEMENT AMONG CITY OF MIAMI BEACH, MIAMI BEACH REDEVELOPMENT AGENCY,

MIAMI-DADE COUNTY, FLORIDA

& THE CHILDREN'S TRUST,

This Interlocal Agreement ("Agreement") is among the City of Miami Beach, Florida, (the "City"), the Miami Beach Redevelopment Agency (the "CRA"), Miami-Dade County, Florida (the "County") and The Children's Trust, Miami-Dade County ("The Trust"), an independent special taxing district, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a half mill tax levy by The Trust against real property located within the jurisdictions of the CRA ("The Trust Revenues"),

WHEREAS, The Trust was established as a result of a county-wide referendum in which the electors of the County approved the creation of The Trust and its imposition of a not to exceed half mill tax levy against all non-exempt real property in Miami-Dade County for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility for children who reside in Miami-Dade County; and

WHEREAS, Chapter 163, Part III, Florida Statutes, also known as the Community Redevelopment Act of 1969 (the "Act"), provides for the creation of community redevelopment agencies and governs the use of moneys in the redevelopment trust funds created in accordance with the Act (each, a "Fund"); and

WHEREAS, the City Commission accepted a delegation of powers from the Miami-Dade County Board of County Commissioners (the "Board"), found a need for and created the CRA to have jurisdiction over all of its community redevelopment districts, declared members of the City Commission to be the members of the Agency, granted the Agency the power to exercise certain powers permitted by the Act to the extent delegated by the Board to the Agency and directed the initiation, preparation and adoption of community redevelopment plans by the Agency for its two community redevelopment districts known as City Center/Historic Convention Village and South Pointe ("CRA Districts"); and

WHEREAS, the CRA has various series of community redevelopment revenue bonds currently outstanding in the aggregate principal amount of \$ (the "Bonds") issued under certain bond resolutions (the "Bond Resolutions") to which the CRA has pledged all current and future tax increment revenues the CRA is entitled to receive pursuant to the Act from all non-exempt taxing authorities including tax increment revenues from any additional tax levies created subsequent to the issuance of the Bonds such as The Trust Revenues; and

WHEREAS, the City has pledged certain City revenues to the holders of the Bonds as additional security for the Bonds; and

WHEREAS, as an independent special taxing district, The Trust is eligible to share in any tax increment revenues not budgeted for a particular use and remaining at the end of the CRA's fiscal year in the Fund established for each CRA community redevelopment district; and

WHEREAS, the Board enacted Ordinance No. 03-210 (the "Ordinance") with an effective date of October 17, 2003 that established a policy that before the Board will consider any matter concerning a community redevelopment agency, including the approval of an annual CRA budget, a governing body such as the City shall first exempt The Trust pursuant to the Act from having to deposit its Trust Revenues with the community redevelopment agency; and

WHEREAS, the City is unable to obtain review of its matters, including the CRA budget, by the Board because it cannot comply with the Ordinance without violating the CRA's pledges to the holders of the Bonds that requires all present and future tax increment revenues from each CRA District to be available for the repayment of debt service on the Bonds relating to such CRA District; and

WHEREAS, the City, the CRA and the County wish to assist The Trust and to effectuate the will of the electorate by agreeing to remit the Trust Revenues to The Trust pursuant to the provisions of this Agreement; and

WHEREAS, approximately ten percent (10%) of the ad valorem tax revenue collected in Miami-Dade County is from residents of the City and;

WHEREAS, The Trust collects approximately \$6 million in ad valorem tax revenues from the residents of the City which is ten percent (10%) of the ad valorem tax revenue it collects and;

WHEREAS, there are children and families who reside in the City and are in need of the services described in The Trust's Strategic Framework 2003-2007 and there are a number of agencies which may provide quality services to these children and families if provided financial assistance; and

WHEREAS, in exchange for the City's and the CRA's cooperation, The Trust will make funds available for children's programs within the City in the amount of The Trust Revenues annually upon the conditions set forth in this Agreement; and

WHEREAS, the City, the CRA, the County and The Trust desire to enter into this Agreement in order to establish their cooperation and agreement with respect to the use of The Trust Revenues,

NOW THEREFORE, the parties agree as follows:

- <u>Section 1.</u> The recitals above are incorporated in Section 1 of this Agreement.
- Section 2. The City, the CRA and the County agree that the CRA shall: (i) use The Trust Revenues for debt service on, and other obligations relating to, the Bonds under the applicable Bond Resolutions only after all other tax increment revenues under the applicable Bond Resolutions have been exhausted for such purpose; and (ii) remit to The Trust on the last day of the CRA's fiscal year, all of The Trust Revenues that are not needed for debt service on, and other obligations relating to, the Bonds under the applicable Bond Resolutions and are eligible to be refunded pursuant to the Act and the applicable Bond Resolutions.
- Section 3. The Trust will make available funds in the amount of Trust Revenues annually for programs and services to children and families within the City, through a competitive process, to the City and/or agencies and organizations that provide said programs and services within the City. However, in order to receive funding, the City and/or agency or organization must provide a program or service that falls within The Trust's funding priorities and quality standards. The City and/or agency or organization is in no way restricted from participating in, and shall not be prejudiced by, any and all other competitive funding opportunities offered by The Trust.
- <u>Section 4.</u> This Agreement shall be effective upon execution by all parties and shall continue for as long as The Trust is in existence and can levy ad valorem taxes.
- Section 5. This Agreement is made in the State of Florida and shall be governed according to the laws of the State of Florida. Proper venue for this Agreement shall be Miami-Dade County, Florida.
- <u>Section 6.</u> Any alterations, variations, modifications, extensions or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly approved and signed by both parties and attached to the original of this Agreement.
- <u>Section 7.</u> This Agreement is signed in four (4) counterparts, and each counterpart shall constitute an original of this Agreement.
- Section 8. This Agreement contains all the terms and conditions agreed upon by the parties. No other Agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties hereto. If any provision of this Agreement is held invalid or void, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized officers as of the day and year first above written.

ATTEST:	CITY OF MIAMI BEACH, FLORIDA
Robert Parcher, City Clerk	David Dermer, Mayor
ATTEST:	MIAMI BEACH REDEVELOPMENT AGENCY
Secretary	Chairman
ATTEST:	MIAMI-DADE COUNTY, FLORIDA
County Clerk	Signature of Authorized Representative
	Print Name and Title
ATTEST:	THE CHILDREN'S TRUST, MIAMI DADE COUNTY
Signature	Signature of Authorized Representative
Print Name and Title	Print Name and Title APPROVED AS TO FORM & LANGUAG & FOR EXECUTION

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution approving and authorizing the vacation of a portion of West 29th Street street-end, west of Prairie Avenue, to the adjacent property owners at 2900 Prairie Avenue.

Issue:

Shall the north half of West 29th Street street-end, west of Prairie Avenue be vacated/abandoned in favor of the adjacent property owners at 2900 Prairie Avenue?

Item Summary/Recommendation:

The Administra	tion is withdrawing this it	em.	
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Advisory Board Re	ecommendation:
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N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1		The second secon	
	2			
	3			
	4			
Finance Dept.	Total			

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City Clerk's Office Legislative Tracking.	
Gary Kokorian	

Sian-Offs:

Department Director	Assistant City Manager City Manager
	Dave

AGENDA ITEM <u>R73</u>

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION OF WEST 29TH STREET STREET-END, WEST OF PRAIRIE AVENUE, IN FAVOR OF MASSIMO AND JISKA BARRACA, OWNERS OF THE ADJACENT PROPERTY LOCATED AT 2900 PRAIRIE AVENUE; WAIVING BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO ORDINANCE NO. 92-2783, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE TRANSACTION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE.

ADMINISTRATION RECOMMENDATION

The Administration is withdrawing this item.

JMG/RCM/FHB/RH/AV/VGK

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9

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a Pubic Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 11:00 a.m., to consider public comment regarding the vacation of a portion of the west 29th Street, street end, west of Prairie Avenue.

Inquiries may be directed to the Public Works Division (305)673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, cot the City City, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fia. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any mater considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or infelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (volce); 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service)



Ad #237

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 5:45 p.m., to consider the establishment of a Restricted Residential Parking Zone for the Lake Pancoast Neighborhood and expanding existing Residential Parking Permit Zone Two (Flamingo Park) on the 500 block of Española Way.

inquiries may be directed to the Parking Department (305) 673-7505.

INTERESTED PARTIES are invited to appear at this meeting, or to be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fia. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #232

CITY OF MIAMI BEACH NOTICE OF A CITY COMMISSION WORKSHOP MEETING



NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a Workshop Meeting on Thursday, January 8, 2004, commencing at 3:00 p.m., in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, regarding Cultural Affairs Strategic Planning.

The City Commission may discuss other City business at this meeting.

INQUIRIES may be directed to the Tourism and Cultural Development Department at (305) 673-7577.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Miami Beach

(Ad Number 0228)

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



C	۸n	do	ne	ed	T	H	Δ	

A Resolution of The Mayor and City Commission of the City of Miami Beach, Florida, approving the location of the Miami Beach Convention Center for conventions, expositions or events involving adult materials.

Issue:

Should the City Commission approve the Miami Beach Convention Center as a location to hold events involving adult materials?

Item Summary/Recommendation:

The provisions of s. 847.0134, Florida Statutes prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, however, municipalities may approve the location under proceedings as provided in s. 166.041(3)(c).

The Administration recommends that the City Commission approve the resolution.

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City commission approval of this request.

At its December 8, 2003 meeting, the Land Use and Development Committee deferred discussion of this item to the full Commission.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	. , , , , , , , , , , , , , , , , , , ,		
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	3		77771184844448	
	4			
Finance Dept.	Total			

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Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JA-	Cuc	Juny

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AGENDA ITEM <u>R7C</u>

DATE <u>1-14-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

Members of the City Commission

www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

Approval of the location of the Miami Beach Convention Center for Conventions,

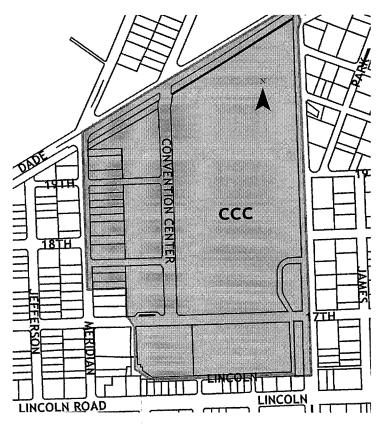
Expositions or Events Involving Adult Materials.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE LOCATION OF THE CONVENTIONS. BEACH CONVENTION CENTER FOR MIAMI EXPOSITIONS OR EVENTS INVOLVING ADULT MATERIALS.

PURSUANT TO THE PROVISIONS OF F.S. 847.0134.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the resolution after the second reading public hearing.



BACKGROUND

The Convention Center is a venue that is located within 2,500 feet of Miami Beach Senior High School and pursuant to the provisions of s. 847.0134, Florida Statutes, which prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school. secondary school. or requires that the municipality under approve the location proceedings as provided in s. 166.041(3)(c).

The process specified in s. 166.041(3)(c) is the same procedure as for a zoning map change. This process requires two public hearings before the City of Miami Beach City Commission and a recommendation from the Planning Board, also under the public hearing process.

STAFF ANALYSIS

Consolidated Management Associates Corporation, the applicant of this request, approached the Convention Center management requesting information with regard to locating the Gay Erotic Expo at the Convention Center. The City Attorney's office was contacted and a meeting was set up with Planning staff to determine what the process would be with regard to the City Code and its Land Development Regulations. At that time a determination was made that due to the nature of the Expo, it would fall under the adopted Florida Statute that prohibits the location of an adult entertainment establishment within 2,500 feet of a school, unless approved by the municipality in accordance with the process prescribed in the statute.

The Gay Erotic Expo is a consumer expo targeted to the gay and lesbian community. The Expo is proposed to be held in Hall C of the Miami Beach Convention Center at 1901 Convention Center Drive on June 5 and 6, 2004 and yearly thereafter. The hours of the event will be approximately from noon to 7 p.m. both days. Vendors and exhibitors will be demonstrating and selling their products, including adult entertainment films, magazines, personal care products, leather and other clothing, and adult novelty items. Free space will be provided to local non-profit gay and lesbian community groups and AIDS groups so that they can promote themselves to the gay and lesbian community. The event will have a ticket price of approximately \$15, and no one under 21 will be admitted. The Gay Erotic Expo has been held previously at the Los Angeles Convention Center, and at Webster Hall in New York.

In 2001 the Florida Legislature approved an amendment to Chapter 847, "Obscenity," which under s. 847.0134 reads:

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or

municipality approves the location under proceedings as provided in s. <u>125.66(4)</u> for counties or s. <u>166.041(3)(c)</u> for municipalities.

(2) A violation of this section constitutes a felony of the third degree, punishable as provided in s. <u>775.082</u> or s. <u>775.083</u>.

Section 166.041(3)(c) F.S. refers to the process by which a municipality must conduct a review for a zoning map change.

The approval of the Convention Center location would allow the Convention Center to entertain similar requests in the future as the approval under consideration is for the location and not the exposition. As part of the process, staff requested that legal notice be mailed to neighborhoods surrounding the Convention Center, including property owners facing Meridian Avenue, Washington Avenue, Lincoln Road and Dade Boulevard, including the Miami Dade County School Board, some of which are farther than the required radius of 375 feet.

This application is the first one for review since the Florida Legislature amended Chapter 847 F.S., thus, this is a process with no prior guidelines or criteria established. As a venue that may hold these kinds of productions in the future, staff is not overly concerned with the location. As a minor concern, it should be noted that although the Convention Center is separated by Washington Avenue from a residential district to the east; by the Collins Canal and Dade Boulevard from a residential district and Miami Beach High School to the north, and the residential area west of Meridian Avenue, it is a very large venue which as part of the approval, can be requested to contain inside any adult production. It is also suggested that any adult production have an age restriction of 21-and-over only admission.

PLANNING BOARD ACTION

The Planning Board heard this matter at a public hearing on October 28, 2003 and voted 5-0 (two members absent) to recommend that the City Commission approve the location of the Convention Center to permit this type event, but with a limitation of no more than 2 of these events per year and that each application for this type of event come before the Planning Board for review to discuss the actual programming under the procedure set by State Statutes. In addition, the Board also recommended that the City Commission set the hours of operation for this type of event at the Convention Center to no earlier than 9 a.m. and no later than 2 a.m.

LAND USE AND DEVELOPMENT COMMITTEE

At its December 8, 2003 meeting, the Land Use and Development Committee deferred discussion of this item to the full Commission.

CITY COMMISSION ACTION

At its December 10, 2003 meeting, the Commission approved the Resolution allowing the Miami Beach Convention Center as the location to hold conventions, expositions or event involving adult materials pursuant to the provisions of Section 847.0134, F.S., subject to the following amendments:

- No more than two (2) events annually.
- Events to be held south to Hall "C", away from Miami Beach High School.
- No explicit material shall be visible from any public right-of-way.
- Only legal activities and materials (no nudity or lewd behavior).
- City Commission review and approval of each event.
- Entrance to event shall be only from Convention Center Drive.
- Establish Guidelines: Review the Los Angeles Convention Center guidelines and add to guidelines prohibiting nudity or lewd behavior. (see attachments)

In response to the Commission's directive, attached you will find the proposed "Booking Requirements for Adult Entertainment Oriented Events", which set forth the guidelines for booking procedures. Also attached are the "Operating Requirements for Adult Oriented Events" which will be incorporated into the Lease Agreement(s). It is important to note that similar to the Los Angeles guidelines, the "no nudity" provisions apply to live people, but not to pictures or video to be displayed within the event premises.

CITY ATTORNEY REVIEW AND RECOMMENDATION

The City Attorney has advised that City Commission review, or review by a City board. would not be sustainable unless the Commission also adopted a specific timetable for review and action, and specific review criteria. The City Attorney has also recommended that the City Commission not conduct a per event review, which inevitably would involve a review of the event's content. Alternatively, the City Attorney recommends that the Commission adopt a probationary period of two years for the use of the Convention Center for these events to allow time for a determination as to its desirability at the Convention Center, and therefore a sunset provision after two years has been added to the resolution. The City Attorney has also advised that the proposed limitation of two events per year, and other regulations added to the resolution and booking requirements for these events at the Convention Center should be upheld as a reasonable time, manner and place restrictions in order to limit the secondary effects that may arise from the presence of adult materials and content at the Convention Center, considering its proximity to nearby residential and school uses. Secondary effect studies upon which these regulations were based were found in Gerard, Local Regulation of Adult Businesses (West 2002); National Obscenity Law Center, Secondary Effects Studies; and case law on adult entertainment. The proposed minimum age restriction of 21 years for admission to the event is contrary to case law on this subject, so the minimum age has been set in the resolution at 18 years of age for admission. Individual events may voluntarily increase the minimum age to 21 years if they desire.

Page 5

CONCLUSION

The procedure set forth in 166.041(3)(c) F.S. refers to the process by which a municipality may approve the location under certain proceedings. This procedure requires that the City Commission hold two advertised public hearings with at least one hearing being held after 5:00 p.m. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. Immediately following the public hearing at the second reading, this resolution may be adopted by an affirmative vote of five-sevenths of all members of the City Commission. The attached resolution reflects the Commission action of its December 10, 2003 meeting and incorporates the City Attorney's recommendations stated above including the sunset provision two (2) years from the date of this hearing in lieu of future City Commission review and approval of each event.

JMG/CMC/JGG/ML

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Booking Requirements for Adult Entertainment Oriented Events

The following Operating Requirements for Adult Entertainment Oriented Events shall be used as operating criteria with respect to conduct for any adult entertainment oriented events to occur at the Miami Beach Convention Center. The requirements will be added to the Terms and Conditions of the Lease Agreement issued by the Miami Beach Convention Center (Operator) and executed by Lessee and allow the Lessee the opportunity to immediately cure and remedy any violations prior to the operator invoking its right to terminate the lease and close the show. The Lessee shall incorporate the Operating Requirements established herein into the exhibitor rules and regulations issued by the event organizer and shall be known by exhibitors that any violation of the requirements shall be cause for immediate expulsion from the show.

Convention Center Management shall book events only into Hall C, located in the southwest quadrant of the facility, so as to minimize proximity to the residential areas on Washington Avenue and to Miami Beach Senior High School. The City Commission shall review any request for booking of any such events prior to issuance of a Lease Agreement.

Operating Requirements for Adult Entertainment Oriented Events

- 1. All patrons and personnel shall be properly attired. The following is specifically prohibited: The display of less than completely and opaquely covered genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolas.
- 2. Sexual activities are prohibited. Sexual activities include the fondling or other erotic touching of genitals, pubic region, buttocks, anus or female breasts.
- 3. Lessee shall provide at its expense a reasonable number of event security personnel as determined by the Convention Center to provide crowd control and to monitor compliance with the terms and conditions of this Agreement.
- 4. Lessee shall post signs prohibiting inappropriate conduct at the entrance doors of the leased exhibit space. The size, wording and placement of any and all signs to be displayed in the public lobby area are subject to the prior approval of the General Manager of the Convention Center.
- 5. Lessee shall be responsible for insuring that all exhibitors, attendees, Lessee staff, and any other invitees and guests of Lessee shall comply with all applicable laws with respect to activities and materials inside the leased premises.
- 6. No adult or obscene materials shall be visible from any public right of way.
- 7. Lessee shall cooperate fully with representatives of the Miami Beach Police Department during the event and shall make no attempt to circumvent or undermine the law enforcement efforts of any officer patrolling the area.
- 8. The general public shall be permitted to bring cameras into the show as long as approved signs are posted in the exhibit area discouraging inappropriate conduct and behavior.
- 9. Lessee shall inform each and every exhibitor, in writing, of the **Operating Requirements** for participation as an exhibitor in the event and incorporate the exact language into all exhibitor agreements.
- 10. Prior to setting up exhibit space at the Miami Beach Convention Center, Lessee shall have each and every exhibitor execute an acknowledgement of the **Operating Requirements** that was included in the exhibitor agreement issued by Lessee. A copy of exhibitor agreements shall be provided to Operator by Lessee upon request.
- 11. Lessee shall supervise the show and exhibitor conduct at all times and be available at all times to take any and all appropriate actions to immediately remedy any violation.

- 12. Should any violation of the **Operating Requirements** occur, Lessee shall take immediate action to eject the exhibitor's personnel or any invitee or guest of an exhibitor contributing to the violation of the **Operating Requirements** and shall immediately close the exhibit.
- 13. Failure of the Lessee to take the above-stated action or attempt to prevent any violation of the **Operating Requirements** shall constitute a material breach of the Lease Agreement and shall be grounds for immediate termination of this contract and closure of the show.
- 14. Any violation of any of the terms and conditions of this Agreement or any law by the Lessee, Lessee's agents or staff, an exhibitor, any exhibitor personnel, or any invitee or guest of an exhibitor or Lessee shall constitute a material breach of this Agreement and shall be grounds for the immediate termination of this contract and closure of show. In such event, Lessee shall not be entitled to a refund of any portion of the prepaid rental fee or any other fees for incidental services (electrical, plumbing, etc.). Lessee acknowledges and agrees that the City of Miami Beach, SMG and the Miami Beach Convention Center, its officers, agents and employees shall not be responsible or liable for any injury, damage loss or expense incurred by Lessee or its exhibitors as a result of such termination or closure of the show following a breach of contract. Lessee further waives any and all claims for damages or losses against the City of Miami Beach, SMG and the Miami Beach Convention Center, its officers, agents and employees which may arise as a result of the closure of the show following a breach of this contract, and Lessee shall indemnify and hold harmless the City of Miami Beach, SMG and the Miami Beach Convention Center from any and all such claims made by Lessee's exhibitors.

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a Pubic Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 5:35 p.m., to consider approving the location of the Miami Beach Convention Center for conventions, expositions or events involving adult materials, pursuant to the provisions of Florida

Inquiries may be directed to the Planning Department (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to 15th based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-504-2498 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Miami Beach

Ad #236

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RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving the creation of Restricted Residential Parking Permit Zone 11/Lake Pancoast; and expanding existing Residential Parking Permit Zone Two/Flamingo Park to include the 500 block of Espanola Way.

issue:

Whether to approve the creation of Restricted Residential Parking Permit Zone 11/Lake Pancoast; and expand existing Residential Parking Permit Zone Two/Flamingo Park to include the 500 block of Espanola Way?

Item Summary/Recommendation:

The Administration has received petitions from residents of each neighborhood (Lake Pancoast and Espanola Way) requesting the creation of a residential parking program for lake Pancoast and expanding the existing residential zone to include the 500 block of Espanola Way. The Administration has held publicly noticed workshops with each affected area and received their input, comments, and endorsement. Currently, each neighborhood has areas of unregulated parking generally for residential use. Residents' parking is being displaced by employees and/or patrons of abutting competing commercial, entertainment, educational, or recreational land uses. The creation of Residential Parking Permit Zone 11/Lake Pancoast and the expansion of Residential Parking Permit Zone Two/Flamingo Park to include the 500 block of Espanola.

The Administration recommends the adoption of the resolution.

Advisory Board Recommendation:

The Transportation and Parking Committee endorsed these recommendations at their regularly scheduled meeting on October 7, 2003.

Financial Information:

Amount to be expended:				
Source of	Amount Account	Approved		
Funds:				
	3			
	4			
Finance Dept.	Total			

Sign-Offs:

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Department Director	Assistant City Manager	r City Manager	
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Agenda Item R7D

Date J-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January, 14, 2004

From:

Subject:

Jorge M. Gonzalez

City Manager

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CREATION OF RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 11/LAKE PANCOAST; AND EXPANDING EXISTING RESIDENTIAL PARKING PERMIT ZONE

TWO/FLAMINGO PARK TO INCLUDE THE 500 BLOCK OF ESPANOLA WAY.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS:

The City's Parking Department has received requests in the form of two petitions from the Lake Pancoast and Espanola Way residents to create an RPP (Residential Parking Permit) zone for the Lake Pancoast neighborhood and amend existing Residential Parking Permit Zone Two (Flamingo Park) to include the 500 block of Espanola Way, respectively. The following is a summary of the Parking Department's findings and actions regarding both requests to date:

Residential Parking Permit Zone 11 (Lake Pancoast):

The Lake Pancoast neighborhood is bounded by Pine Tree Drive on the west, Inter-Coastal Waterway on the east, 23rd Street/Dade Boulevard on the south, and a single family neighborhood to the north. A restricted residential parking program is recommended due to intrusion from adjacent commercial, entertainment, educational and recreational land uses displacing residential parking during various hours of the day for substantial periods of time. The following are various generators and hours during which residential parking is being displaced within the noted areas:

Generators of Parking (non-residential)	Hours
Collins Avenue and 23 rd Street Employees	Day/Night
Beachgoers (crossing footbridge at 24 th Street and Collins Avenue)	Day
Area School Students	Day
Patrons of Restaurants/Nightclubs on 23 rd Street	Night
General visitors seeking "free" parking	Day/Night

January 14, 2004
Commission Memorandum
Creation of Lake Pancoast/Amendment to Residential Parking Permit Zone Two
Page 2 of 5

Subsequently, a petition was received from various homeowner associations in the "Lake Pancoast" neighborhood to develop and implement an RPP (Residential Parking Permit) Zone. The City of Miami Beach Parking Department formulated recommendations for affected residents to review, comment, and provide input. A publicly noticed Workshop was held at 6:00 P.M. on Wednesday, August 13, 2003, at the FIU/Women's Club, located at 2401 Pine Tree Drive, Miami Beach, Florida. The Workshop was held in order to provide information and recommendations regarding the implementation of an RPP and request comments, suggestions, and input from the affected residents in order to develop a consensus. Residents were advised that the proposed residential program would be referred to the City's Transportation and Parking Committee and ultimately to the Mayor and City Commission for ratification. The following is a summary of the recommendations proposed for the Residential Parking Program:

Restricted Parking Boundaries:

South:

South side of 24th Street

North:

Northerly line of 25th Street*

East: West:

Easterly line of Pine Tree Drive

Easterly line of Lake Pancoast Drive

Restricted Parking Hours:

Restricted residential parking 24 hours a day/seven days a week.

Residential Parking Permit Zone Fees:

Annual Permit Fee*:

Annual Visitor Hang-Tag*:

\$50.00 (plus tax) per vehicle.

\$50.00 (plus tax) (one hang-tag per resident). Visitor "Scratch-Off" 24 Hour hang-tag: \$1.00 (plus sales tax) per hang-tag. Five (5) hang-tags may be purchased monthly up to six months in advance. Additional hang-tags are available for parties, social affairs, etc.

Requirements:

Bona fide residents of the Zone would be mailed a registration/decal purchase Package. Each resident that wishes to park vehicle(s) in the restricted parking areas outlined above must register to participate in the "Lake Pancoast" Residential Parking Permit Program (Zone11). Copies of the following documents would be required to register and purchase a decal/hang-tag for the zone:

- Government Issued Photo Identification.
- o Proof of residency such as current (within last 30 days) utility bill (electric, gas, phone, etc.).

^{*} Notes: Residents agreed to extend the northern boundary to the north side of 25th Street for the first six months of the program; however, residents reserve the right to delete the north side of 25th Street at the end of the first six (6) month interval.

January 14, 2004
Commission Memorandum
Creation of Lake Pancoast/Amendment to Residential Parking Permit Zone Two
Page 3 of 5

o Valid vehicle registration**

Notes: *All annualized fees may be prorated semi-annually.

**Vehicle registration(s) with outstanding parking violations will not be allowed to participate in the residential parking program. All outstanding parking violations must be satisfied prior to participation.

Promulgation of Regulations:

Signs would be posted in the areas promulgating the appropriate restriction, including arrival signs warning drivers they are entering a restricted parking area as well as trailblazing signs to commercial parking facilities. Typically two to three signs per block face would be installed promulgating the parking restrictions. Vehicles parking within these posted areas must display a valid residential parking decal, visitor hang-tag, or "scratch-off" hang-tag.

Enforcement:

Progressive enforcement would commence on an agreed upon date for a period of thirty (30) days in the form of warnings. This would graduate to the issuance of parking citations for a period of thirty (30) days, and subsequently, vehicle impoundment may be necessary to properly enforce the parking regulations/restrictions.

Potential Additional Off-Street Parking for Residents:

The Administration is currently negotiating with the Wolfsonian/FIU to utilize the Women's Club parking facility for various uses including future overflow residential parking needs.

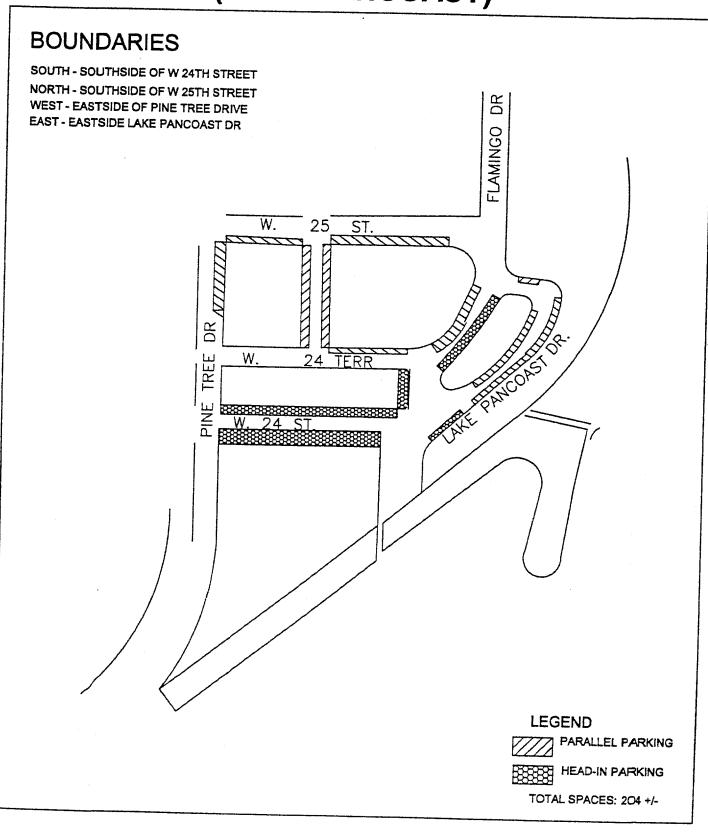
500 Block of Espanola Way Expansion (Flamingo Park/Zone Two):

The 500 block of Espanola Way is currently unregulated and it is completely surrounded by regulated on-street parking. All areas are regulated by either commercial parking regulations (parking meters, loading zones, etc.) or residential parking restrictions (Residential Parking Permit Zone Two/Flamingo Park) during certain days and hours. The competition for these unregulated parking spaces is fierce and can be a serious detriment to residents' quality of life. Notwithstanding the residents' parking needs, the 500 block of Espanola Way is clearly adjacent to an active entertainment district where there is a high demand for commercial parking. The peaceful co-existence of residential and commercial corridors is the very essence of urban life in South Beach. To this end, the residents of the 500 block of Espanola Way, to their credit, recognized this fact and embraced it. This is evidenced by their concurrence to the proposed recommendations for the south side of the 500 block of Espanola Way stated below.

Numerous residents on the 500 block of Espanola Way requested that their block be included into the existing Residential Parking Permit Zone Two/Flamingo Park. The City of Miami Beach Parking Department held a publicly noticed workshop on Wednesday, August 20, 2003,

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PROPOSED RESIDENTIAL ZONE 11 (LAKE PANCOAST)



RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CREATION OF RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 11/LAKE PANCOAST; AND EXPANDING EXISTING RESIDENTIAL PARKING PERMIT ZONE TWO/FLAMINGO PARK TO INCLUDE THE 500 BLOCK OF ESPANOLA WAY.

WHEREAS, the Lake Pancoast neighborhood is bounded by Pine Tree Drive on the west, Inter-Coastal Waterway on the east, 23rd Street/Dade Boulevard on the south, and a single family neighborhood to the north; and

WHEREAS, a residential parking program is recommended due to intrusion noted from adjacent commercial, entertainment, educational and recreational land uses displacing residential parking during various hours of the day for substantial periods of time; and

WHEREAS, residents of the Lake Pancoast neighborhood have submitted a petition requesting the establishment of a restricted residential permit parking program for their neighborhood; and

WHEREAS, the Administration has reviewed and surveyed the areas in question and formulated boundaries, including the following streets and cross-street for inclusion in the program:

West 24th Street between Pine Tree Drive and Lake Pancoast Drive West 24th Terrace between Pine Tree Drive and Flamingo Drive West 25th Street between Pine Tree Drive and Flamingo Drive Pine Tree Drive (eastside) between W. 24th Street and W. 25th Street Flamingo Drive between W. 24th Street and W. 25th Street Flamingo Place between W. 24th Terrace and W. 25th Street Lake Pancoast Drive between W. 24th Street and W. 25th Street; and

WHEREAS, a publicly noticed workshop was held on August 13, 2003, in order to discuss and receive input for the establishment of a residential parking program for the Lake Pancoast neighborhood; and

WHEREAS, the City's Transportation and Parking Committee received public input from affected residents and discussed this item at a regularly scheduled (publicly noticed) meeting of the Committee on October 7, 2003; and

- WHEREAS, the City's Transportation and Parking Committee endorsed the recommendations of the Administration to create Restricted Residential Permit Parking Zone 11/Lake Pancoast; and
- WHEREAS, the 500 block of Espanola Way is currently unregulated and it is completely surrounded by regulated on-street parking and all areas are regulated by either commercial parking regulations (parking meters, loading zones, etc.) or residential parking restrictions (Residential Parking Permit Zone Two/Flamingo Park) during certain days and hours; and
- WHEREAS, the competition for these unregulated parking spaces is fierce and can be a serious detriment to residents' quality of life; and
- WHEREAS, notwithstanding the residents' parking needs, the 500 block of Espanola Way is clearly adjacent to an active entertainment district where there is a high demand for commercial parking; and
- WHEREAS, in order to peacefully co-exist residential and commercial corridors must maximize parking opportunities by sharing the limited parking supply; and
- WHEREAS, residents of the 500 block of Espanola Way petitioned the Administration to expand the existing residential parking permit zone (Flamingo Park/Zone Two) to include the 500 block of Espanola Way; and
- WHEREAS, the Administration reviewed the request and formulated various recommendations for resident review, comment, and input at a publicly noticed workshop to be held with affected residents; and
- WHEREAS, a publicly noticed workshop was held on Wednesday, August 20, 2003, to receive comment and input from affected residents regarding the proposed expansion of the zone to include the 500 block of Espanola Way; and
- WHEREAS, affected residents discussed issues relating to construction, valet parking, disabled parking, residential parking, commercial (metered, loading zones, etc) parking, and enforcement on the 500 block of Espanola Way; and
- WHEREAS, the Administration in conjunction with the affected residents (workshop participants) formulated recommendations, supported unanimously, to address each of the issues raised as follows:
 - South Side of the 500 block of Espanola Way: All parking spaces are to be metered; however, Residential Parking Permit Zone Two decals would be honored at these meters first-come, first served. It was further stipulated that this metered area would not be used for

valet parking purposes; however, could serve other temporary purposes such as film/print and/or construction needs.

North Side of the 500 block of Espanola Way: The first parking space, from east to west, is to continue to be used as a "construction parking space*) from 6:00 A.M to 6:00 P.M. and valet parking drop-off/pick-up from 6:00 P.M. to 6:00 A.M. until alternative arrangement can be made to relocate the valet drop-off/pick-up area to another more suitable location. The second parking space, from east to west, would be a commercial loading zone from 7:00 A.M. to 6:00 P.M./Monday-Friday and would revert to a restricted residential parking space from 6:00 P.M. to 7:00 A.M. Monday-Friday and 24 hours a day Saturdays, Sundays, and Holidays. The third and fourth parking spaces, from east to west, would be restricted residential parking space; and

WHEREAS, the City's Transportation and Parking Committee discussed and endorsed the aforementioned recommendations for the 500 block of Espanola Way at their regularly scheduled (publicly noticed) meeting on October 7, 2003.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, approving the creation of Restricted Residential Parking Permit Zone 11/Lake Pancoast; and expanding existing Residential Parking Permit Zone Two/Flamingo Park to include the 500 block of Espanola Way.

PASSED AND ADOPTED this	day of	, 2004
MAYOR		
ATTEST:		
		APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
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CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a Pubic Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 11:00 a.m., to consider public comment regarding the vacation of a portion of the west 29th Street, street end, west of Prairie Avenue.

Inquiries may be directed to the Public Works Division (305)673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, not does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 7(1) (Florida Relay Service)



- Ad #237

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 14, 2004, at 5:45 p.m., to consider the establishment of a Restricted Residential Parking Zone for the Lake Pancoast Neighborhood and expanding existing Residential Parking Permit Zone Two (Flamingo Park) on the 500 block of Española Way.

Inquiries may be directed to the Parking Department (305) 673-7505.

INTERESTED PARTIES are invited to appear at this meeting, or to be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1709 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #232

CITY OF MIAMI BEACH NOTICE OF A CITY COMMISSION WORKSHOP MEETING



NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a Workshop Meeting on Thursday, January 8, 2004, commencing at 3:00 p.m., in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, regarding Cultural Affairs Strategic Planning.

The City Commission may discuss other City business at this meeting.

INQUIRIES may be directed to the Tourism and Cultural Development Department at (305) 673-7577.

Robert E. Parcher, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).



(Ad Number 0228)

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving, appropriating, and authorizing the establishment of a work order in the amount of \$2,439,250 from Parking Revenue Bond Fund No. 481 for the purchase and installation of 250 multi-space parking pay stations.

Issue:

Should an appropriation and a work order in the amount of \$2,439,250 for the purchase and installation of 250 multi-space pay stations be approved?

Item Summary/Recommendation:

The Administration has researched and tested the pay and display parking operation and associated parking equipment. This experiment has been deemed successful due to: increased customer convenience vis-a-vis increased acceptance of payment methods, increased revenues, improved aesthetics, and increased operational efficiencies.

Advisory Board Recommendation:

Endorsed by the Transportation and Parking Committee on their regularly scheduled meeting on Monday, January 5, 2004. The Committee discussed the CMB Parking Smart Card "refund feature" issue and the pay and display method's inability to accommodate the refund feature. The pay by space method which could accommodate the refund feature was discussed; however, after discussion regarding the advantages and disadvantages of pay and display vs. pay by space, the Committee felt strongly that pay and display was the preferred alternative; however, an accommodation should be afforded to Smart Card users who in the future will be unable to take advantage of the Smart Card's refund feature. The Committee discussed various accommodations and since intrinsically the Smart Card and particularly the "refund feature" is used by residents, the Committee recommended that the discount currently allowed for residents be reviewed and nominally increased as an accommodation for this inconvenience.

Financial Information:

ended:			
	Amount	Account	Approved
1	\$2,439,250		<u> </u>
2			
3			
4			
Total			
	1 2 3	Amount 1 \$2,439,250 2 3 4	Amount Account 1 \$2,439,250 Parking Revenue Bond Fund 481 2 3 4

Sign-Offs:

Department Director	Assistant City Manage	er City Manager
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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, APPROPRIATING, AND

ESTABLISHING A WORK ORDER IN THE AMOUNT OF \$2,439,250 FROM PARKING REVENUE BOND FUND NO. 481 FOR THE PURCHASE AND

INSTALLATION OF 250 MULTI-SPACE PARKING PAY STATIONS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

\$2,439,250

Funds are available from Parking Revenue Bond Fund 481 for the purpose of purchasing and installing 250 multi-space parking pay stations. The following is an itemized listing of associated costs:

Multi-space Pay Station (250 @ \$8,595):\$2,148,750Installation (250 @ \$275):\$ 68,750Contingency (10%):\$ 221,750Total:\$2,439,250

PURCHASING AUTHORITY

Miami-Dade County/Miami-Dade Transit Agency Contract.

ANALYSIS

In our continued effort to improve [parking] services to residents and visitors alike, the Parking Department is recommending the phased implementation of multi-space [parking] pay stations. One of the Administration's goals is to enhance customer convenience of government services. The Parking Department has researched various technologies, methods of operation, and leading vendors in the parking industry providing multi-space pay station technology and equipment in an effort to provide the most appropriate application for the varying types of users within the City. The recommended method of operation is "pay and display." Simply stated, the "pay and display operation requires three simple steps: (1) payment, (2) pay station issuance of a receipt, and (3) user displays receipt on vehicle dashboard. The following are some of the major advantages to the system:

- Simpler operation for users.
- Simpler (less verbiage on signs by using international symbols) signage to explain process.
- Eliminates single meter posts making the sidewalks clear and clutter free (pay by space requires space numbers that are generally marked at a clearly visible point either on a post in front of each space which adds clutter.
- Receipt is final proof of transaction. This is one of the major advantages of a multispace meter over a single space meter operation.
- Pay at any station. In pay and display, a customer may pay at any station and display the ticket in the vehicle. The ability to pay at any station is important as it prevents revenue loss if a station is out of order. Users do not have an excuse and are expected to pay at the nearest station. Please note that this may apply to either type of operations, namely "pay by space"; however, the pay stations must be "networked". This requires expensive capital improvements, including trenching, and laying/installing cables between machines.
- Increased revenue through: (1) increased payment options, bills, coins, credit card/smart cards and (2) parking "time" leaves with the vehicle.
- Future Growth and Regional Compatibility: Various municipalities in South Florida are currently using the pay and display (Schlumberger) system. Miami, Fort Lauderdale, Hollywood, Lake Worth, Hallandale, and Pompano Beach are all currently using Schlumberger's pay and display units. This is crucial in order to one day achieve regional compatibility. Moreover, this also increases customer convenience and ease of operation, enhancing chances of success for the program. In addition, both Miami and Miami Beach would have mixed readers (for credit cards and smart cards) allowing the possibility of a regional smart card program enhancing customer convenience. The electronic purse may also be extended to other services such as Miami-Dade Transit units in the future.

Competitive Bidding Process

The City's Procurement Department issued an RFP (Request for Proposals) for multispace pay stations on May 21, 2003. Responses were due in August 2003 and five proposals were received. Respondents included: Schlumberger, TCS, Reino, Lexis, and Digital Pioneer. Upon review, all proposals were deemed non-responsive due to failure to meet one or more of the requirements of the RFP. Please note that Schlumberger was non-responsive in only one requirement. Specifically, there was a requirement to provide a five (5) year warranty included in the unit price. Schlumberger proposed a one (1) year warranty and additional warranty periods at an additional cost.

The City's experience with multi-space pay stations has been very good to date. The reissuance of an RFP would further delay contracting and implementing of this technology. In an effort to streamline this process yet ensure the most cost effective and appropriate technology, the Administration evaluated other governmental agencies' contracts in an effort to determine: (1) successful public sector experience, system capabilities, and technology that is most appropriate for the needs of the City; and (2) the most competitive and cost effective terms for the City.

Schlumberger has existing contracts with Miami-Dade County Transit Agency, Miami Parking Authority; City of Fort Lauderdale; and the City of Hollywood (Florida). All four agencies have reported very good results with their experience with Schlumberger's pay stations. The Administration has since reviewed Schlumberger's contract with Miami-Dade County/Miami-Dade Transit Agency and deemed that the City may "piggyback" on the County's contract with Schlumberger Industries. Attached is a comparison of the cost of the Schlumberger multi-space pay stations, which shows that the City is receiving the same or better pricing than other governmental agencies in South Florida. Please note that the Miami-Dade Transit multi-space pay stations do not include solar power, bill acceptors, and mixed (card) readers which are additional optional equipment that the City is recommending to be included in the pay station. Other public agencies have included this equipment; however, the City is still receiving the same or better price. It is important to note that Schlumberger's unit price is consistent with the unit price submitted in their response to the City's aforementioned request for proposals.

In regards to the warranty issue, Schlumberger has agreed to provide a two (2) year warranty on parts and labor from the date of installation, at no cost to the City. The City may elect to purchase an extended warranty contract for years three, four, and five, at the City's discretion, in year two of the standard warranty. This will allow the City to build some history regarding maintenance, repair, and replacement of the pay stations and better assess whether to proceed with an extended warranty or bring in-house. For informational purposes, the extended warranty for year three to five would be \$435 per year, per pay station. This equates to \$108,750 per year. The extended warranty covers labor and parts. Conversely, if we do not extend the warranty, the labor function would be performed with in-house staff and there would be a need to purchase and maintain an inventory of parts. In years three through five, clearly, there would be more wear and tear. Parts would be more prone to need repair and/or replacement. Considering the nature of the product; replacement parts range from a few dollars to \$800 for a bill acceptor and \$900 for a (credit/debit) card reader. One of the advantages of pursuing the extended warranty option is that there are opportunities for salary savings by a workforce reduction through attrition.

To this end, the City's Parking Department in conjunction with Schlumberger Industries has had an on-going test period since January 22, 2003, to date, at no cost to the City. Two locations were selected as test sites for an on-street and off-street application. The on-street application was tested on Ocean Drive between 7th and 10th Streets and the off-street application was tested at Municipal Parking Lot 5M, located at 777-17th Street. The results from the test period have been successful. The application of this technology provides various conveniences as well as improvements to the existing technology. The following are some examples:

Increased Revenues

An increase in revenue of 21% was realized when comparing the same period this year versus last year on a year-to-date basis.

Public Acceptance

Two (2) surveys were conducted. Each surveyed users for seven consecutive days at two different points in the 90 day test period which were the week of 2/1/03 and 3/1/03. The survey results yielded an acceptance level 83% and 69% during each respective week.

Improved Aesthetics

Multi-space meters service between eight and twelve on-street spaces and up to 30 offstreet parking spaces. This improves the overall aesthetics by reducing the number of parking meter posts required for conventional single or double space parking meters.

Increased Customer Convenience

Multi-space meters provide enhanced convenience by providing multiple payment options, in the form of bills, coins, credit cards, and the City of Miami Beach Parking Smart Card.

Increased Operational Efficiencies

Parking Meter Collection:

Single Space Meter:

Parking meter collection is a contracted service at a unit price of \$0.49 per meter collected. The current contract with APCOA/Standard provides for an increase or decrease of up to 25%, based on 9,200 meters.

Multi-Space Pay Stations:

APCOA/Standard will continue to provide parking meter collection services including the multi-space pay stations at the same rate; however, multi-space pay stations have a ratio of spaces to meters of 8:1 in an on-street application and 30:1 in an off-street application. Conservatively, there would be a \$65,000 savings meter collection costs.

Parking Meter Maintenance:

Single Space Meter:

Parking meter maintenance is currently an in-house function of the Parking Department comprised of ten (10) parking meter technicians, two supervisors, and one operations manager. The current ratio of technicians to single space meters is 833 to 1.

Multi-Space Pay Stations:

The initial phase of the phased implementation of the multi-space pay stations will result in a conversion of approximately 25% of the existing single space meter inventory. A conversion of 25% of the single space meters to multi-space pay stations is estimated to yield an annual cost savings of \$127,000 in labor and parts. This savings is attributed to:

- 1. A \$99,000 savings in the reduction of the workforce through the attrition of two parking meter technician positions (one of which is already vacant) and one municipal service worker III position.
- 2. A \$28,000 savings in the reduction of parts and materials.

Note: Schlumberger will provide a two (2) year warranty on parts and labor from the date of installation, at no cost to the City. The City may elect to purchase an extended warranty contract for years three, four, and five, at the City's discretion.

Schlumberger/Pay and Display vs. Other Manufacturers/Operations:

Other products were reviewed and while they may be suitable for other communities, unfortunately, they did not provide the full range of options that, in the Administration's opinion, would best serve residents, visitors, and tourists. Other products researched are not recommended due to one or more of the following issues: (1) limited payment acceptance; (2) not reconfigurable; and (3) limited experience/installations in other comparable communities throughout the country. In all fairness, it is important to note that there is one minor drawback to the pay and display operation. Unfortunately, due to the logistics of a pay and display operation, the "refund feature" of the Miami Beach Parking Smart Card cannot be utilized. Please note that this applies to all manufacturers and not just Schlumberger. It is a logistical issue to all pay and display operations. This minor drawback is more than compensated by the consistent and successful operation of the Schlumberger pay station's bill, coin and credit acceptance. Clearly, bill and credit card acceptance is a much more accepted method of payment than our Smart Card. To put this in perspective, the entire intent of the Smart Card was to provide an alternative method of payment to our customers. The addition of bills and credit cards enhances this effort two fold with the two methods of payment (bills and credit cards) that are the most widely used in our economy.

Schlumberger/CMB Pay and Display Experiment

The Parking Department has been testing the Schlumberger multi-space pay stations in an on-street application on Ocean Drive between 7th and 10th Streets and in an off-street application at the 777-17th Street Parking Lot since January 2003, at no cost to the City. The results of this test over this extended period of time have been very successful. This success is defined, as previously stated, with the following results:

- Revenues have increased by 21% on Ocean Drive and 25% at the 777-17th Street Parking Lot year-to-date when compared to the prior year (single space meters).
- Increased methods of payment, including bills, coins, and credit cards. In fact, the following is an itemization, by percentage, of the three methods of payment:

Bills:	69%
Coins:	22%
Credit Cards:	9%
Total:	100%

It is important to note that currently in single space meter operations, the two methods of payment are coins (90%) and Smart Card (10%). This translates into substantially increased customer convenience in paying for parking. In fact, increased convenience of parking payment options was a specific recommendation that resulted from the Mayor's Blue Ribbon Task on Tourism.

- 3. Improved aesthetics through less street furniture (one pay station vs. five to ten meter posts).
- 4. In over eleven months of operation, maintenance issues have been nominal and well within an acceptable range.
- 5. Schlumberger's pay stations are reconfigurable from pay-and-display mode to pay-by-space mode and vice-versa.

The TPC (Transportation and Parking Committee) discussed, reviewed, and endorsed this recommendation at the regularly scheduled meeting held on Monday, January 5, 2004. The Committee further discussed the CMB Parking Smart Card "refund feature" issue and the pay and display method's inability to accommodate the refund feature. The pay by space method which could accommodate the refund feature was discussed; however, after discussion regarding the advantages and disadvantages of pay and display vs. pay by space, the Committee felt strongly that pay and display was the preferred alternative; however, an accommodation should be afforded to Smart Card users who in the future will be unable to take advantage of the Smart Card's refund feature. The Committee discussed various accommodations and since intrinsically the Smart Card and particularly the "refund feature" is used by residents, the Committee recommended that the discount currently allowed for residents be reviewed and nominally increased as an accommodation for this inconvenience.

Conclusion

In conclusion, it is the Administration's goals to proceed with a system that provides the most options and flexibility; has a proven track record in other communities; and is our best overall value for our investment. The Administration recommends that the Mayor and Commission approve, appropriate, and authorize the establishment of a work order in the amount of \$2,439,250 from Parking Revenue Bond Fund No. 481 for the purchase and installation of 250 multi-space parking pay stations.

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		Options /			
Location	Unit	Configuration	LP	SP	Discount
Charlotte County	DG-CBV		9740		
		Coin	included		
		Bill Reader	included		
		Solar Power	995		
			10735	10435	2.79%
Palm Beach County	DG-CBV		9740	9000	7.60%
" "		Coin	included		
		Bill Reader	included		
City of Ft Lauderdale	DG-CBV		9740		
		Coin	included		
		Bill Reader	included		
		Solar Power	995		
		Mixed reader	1500		
			12235	8750	28.48%
Metro Dade Transit	DG		6550	5395	17.63%
Moto Bado Transit		Coin	included		17.0070
MPA	DG-CBV		9740		
		Coin	included		
		Bill Reader	included		
		Solar Power	995		
		Mixed reader	1500		
			12235	8595	29.75%
Miami Beach (offered)	DG-CBV		9740		
		Coin	included		
		Bill Reader	included		
		Solar Power	995		
		Mixed reader	1500		
			12235	8595	29.75%

RESOLU	TION NO),	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, APPROPRIATING, AND ESTABLISHING A WORK ORDER, IN THE AMOUNT OF \$2,439,250, FROM PARKING REVENUE BOND FUND NO. 481, FOR THE PURCHASE AND INSTALLATION OF 250 MULTI-SPACE PARKING PAY STATIONS.

WHEREAS, the Parking Department has field tested the multi-space pay station technology for an extended period of time with a leader in the industry (Schlumberger), at no cost to the City; and

WHEREAS, this new technology has received a public acceptance rating averaging 76% over single space parking meters; and

WHEREAS, this technology provides increased customer convenience via multiple payment options, including coins, bills, credit cards, and debit cards; and

WHEREAS, the test period yielded an increase in revenue of 21%, as compared to the same period in the prior year, and there are also operational cost savings achieved through more efficient collection services and maintenance; and

WHEREAS, there are improved aesthetics for both on-street and off-street applications, as street furniture is reduced by placing one pay station as opposed to single space meter posts; and

WHEREAS, the Administration has been vested with the purchasing authority to procure multi-space pay stations from Schlumberger Industries through Miami-Dade County/Miami-Dade Transit Agency's existing contract with Schlumberger Industries for multi-space pay stations; and

WHEREAS, the Transportation and Parking Committee has endorsed the purchase and installation of multi-space pay stations on Monday, January 5, 2004.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, upon recommendation of the Administration, herein approve, appropriate, and establish a Work Order, in the amount of \$2,439,250, for the purchase and installation of 250 multi-space parking pay stations.

PASSED AND ADOPTED this	day of	, 2004
		MAYOR
ATTEST:		
		APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving the second of three one (1) year renewal options, commencing on March 1, 2004, and expiring on February 28, 2005; further approving an increase to the maximum allowable towing rates as outlined in the 13th Amendment of the Rules and Regulations for the Police Department and Parking Department Towing Permits and establishing provisions for Customer Service Training, Informational Items, and Complaints/Sanctions.

Issue:

Should each of the two respective towing permits with Beach and Tremont Towing Services be extended for a one-year term and should the existing permit be amended to include increases in the maximum allowable rates; providing for customer service training; informational items, and providing for complaints/sanctions².

Item Summary/Recommendation:

The Administration recommends approving the second of three one-year renewal options with both Beach and Tremont Towing Services, respectively, commencing on March 1, 2004 and expiring on February 28, 2005. The Administration, including the Police Department and the Parking Department are satisfied with the level of service provided by both towing services. Moreover, both services providers are the only qualified towing service providers satisfying the minimum vehicle storage requirements (capacity for storage of 100 vehicles) within the city limits. In addition, the Administration recommends approving the Thirteenth Amendment of the Rules and Regulations for the Police and Parking Departments Towing Permits allowing for: (1) increase the existing maximum allowable towing rate for Class "A", "B", "C", and "D" tows by \$10 in 2004 and 2005. For example, Class "A" tows which are the most common types of tows performed would increase from \$95 to \$105 in 2004 and from \$105.00 to \$115.00 in 2005; (2) increase Administrative Fee of \$25 to \$30 for all non-consensual tows. Administrative Fees are assessed to off-set costs for retrieving vehicle owner information from the State for notification purposes, as required by State Statute; (3) establish a fee of \$20 in 2004 and \$25 in 2005 for labor performed only when access to the vehicle is required in order to properly engage/tow vehicle. This is not an automatic fee; (4) increase indoor storage fee by \$5, from \$25 to \$30; (5) providing for Customer Service Training/Informational Items. and (6) Complaints/Sanctions.

Advisory Board Recommendation:

The Transportation and Parking Committee endorsed these recommendations at their regularly scheduled meeting held on January 5, 2004.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			, applica
	2			
	3			
	4			
Finance Dept.	Total	***************************************		

Sign-Offs:

Department Director	Assistant City Manager	City Manager
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AGENDA ITEM R7F
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF Subject:

> MIAMI BEACH, FLORIDA, APPROVING THE SECOND OF THREE ONE (1) YEAR RENEWAL TERMS WITH BEACH TOWING SERVICES, INC. AND TREMONT TOWING SERVICES, INC., RESPECTIVELY; COMMENCING ON MARCH 1, 2004, AND EXPIRING ON FEBRUARY 28, 2005, WITH OPTIONS TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR PERIOD, AT THE SOLE DISCRETION OF THE CITY; FURTHER APPROVING THE THIRTEENTH AMENDMENT TO THE ADMINISTRATIVE RULES AND REGULATIONS FOR THE POLICE DEPARTMENT AND PARKING DEPARTMENT TOWING PERMITS: SAID AMENDMENT PROVIDING FOR AN INCREASE TO THE MAXIMUM ALLOWABLE TOWING RATES; CUSTOMER

SERVICE TRAINING; AND COMPLAINTS/SANCTIONS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The towing service providers Tremont Towing located at 1916 Bay Road, Miami Beach, Florida and Beach Towing, located at 1349 Dade Boulevard, Miami Beach, Florida, each currently have a permit issued by the City to provide towing services to the Police and Parking Departments. On November 20, 1996, the Mayor and City Commission waived by a 5/7ths vote, the competitive bidding requirement, and approved an extension of the towing permits for a period of two years, to expire on November 30, 1998. On November 18, 1998, the Mayor and City Commission approved two (2) additional one (1) year options, to be renewed at the sole discretion of the City. The second one (1) year option expired on November 30, 2000. On October 18, 2000, the Mayor and City Commission waived, by a 5/7ths vote, the competitive bidding requirement, and approved a two (2) year contract, with three (3) one-year options, to be renewed at the sole discretion of the City.

The Administration, including the Police Department and the Parking Department are satisfied with the level of service provided by both Beach Towing Services, Inc. and Tremont Towing Services, Inc. Moreover, both services providers are the only qualified towing service providers satisfying the minimum vehicle storage requirements (capacity for storage of 100 vehicles) within the city limits.

January 14, 2004 Commission Memorandum Towing Services Page 2 of 4

Furthermore, at the request of both towing service providers, the Administration has reviewed the maximum allowable towing rates as outlined in the Twelfth Amendment of the Rules and Regulations for the Police Department and Parking Department Towing Permits. The Administration has sought an equitable resolution that would maintain both towing service providers within the city limits (for customer convenience purposes) and maintain comparable towing fees with the rates authorized by Miami-Dade County and other municipalities.

The towing service providers are requesting rate increases to services specified below, which again are consistent with the rates authorized by Miami-Dade County and other municipalities.

Service	Current Rate	Increase Amount	Proposed Rate
Class "A"	\$95	\$10 ('04) \$10 ('05)	\$105 ('04) \$115 ('05)
Adm Fee	\$25	\$5	\$30 (increase private tows to \$30 & decrease trigger for Adm Fee from 24hrs to 12 hrs).
After Hrs Fee*	None	\$30 (7 days a week)	\$30 (imposed 8pm to 8am)
Labor**	None	\$20 ('04) \$5 ('05)	\$20 ('04) \$25 ('05)
Indoor Storage	\$25	\$5	\$30
Class B, C, & D	\$125, \$155, \$180	\$10 ('04) \$10 ('05)	\$135/\$165/\$190 ('04); \$145/\$175/\$200 ('05)

^{*} Implemented on 11/1/03.

Both towing service providers have cited increasing operational costs, including:

- Property taxes on Miami Beach are substantially higher than other towing agencies pay in other areas of the County.
- Required vehicle storage lots are neither the highest nor best use of their properties; however, the City has a requirement that each towing service provider must have vehicle storage capacity for a minimum of 100 vehicles within the City limits.
- Insurance rates for the area are substantially higher than other towing agencies pay in other areas of the County.

Clearly, it is the Administration's intent to provide courteous and efficient towing services at reasonable rates. The issues raised by the two towing service providers are beyond the City's control. Vehicle impoundment is a traffic/parking management tool that removes an unauthorized vehicle so that either public safety is maintained or an authorized vehicle may take its place. A byproduct is that towing is an educational tool which acts as a disincentive for illegal parking; however, this disincentive must be kept reasonable. The relocation of the towing service provider's storage lots to the mainland is an unreasonable burden to customers financially, logistically, and from a convenience perspective as well. Maintaining

^{**} Not an automatic fee. Imposed only when access to enter vehicle required in order to properly engage/tow vehicle.

January 14, 2004
Commission Memorandum
Towing Services
Page 3 of 4

existing rates would likely require the future relaxation of the vehicle storage provision within the city limits in order to allow other towing service providers to participate. This will effectuate a greater inconvenience to our customers. The added expense of transportation to the mainland to retrieve an impounded vehicle is more than the towing operator's proposed increases, not to mention the inconvenience, frustration, and anxiety experienced in such an ordeal.

The Administration, including the Police and Parking Departments recommend exercising the second of three one (1) year renewal options, commencing on March 1, 2004 and expiring on February 28, 2005. The City's TPC (Transportation and Parking Committee) discussed this item at their regularly scheduled meeting on Monday, January 5, 2004, and the Committee endorsed this recommendation.

Section 21.2 Maximum Allowable Rates

- Increase the existing maximum allowable towing rate for Class "A", "B", "C", and "D" tows by \$10 in 2004 and 2005. For example, Class "A" tows which are, by far, the most common types of tows performed would increase from \$95 to \$105 in 2004 and from \$105.00 to \$115.00 in 2005. Classes "B", "C", and "D" would increase from \$125, \$155, and \$180 to \$135, \$165, and \$190, respectively, in 2004 and to \$145, \$175, and \$200, respectively, in 2005.
- Increase Administrative Fee of \$25 to \$30 for all non-consensual tows. Administrative
 Fees are assessed to off-set costs for retrieving vehicle owner information from the
 State for notification purposes, as required by State Statute.
- Establish a fee of \$20 in 2004 and increase by \$5 to \$25 in 2005 for labor performed only when access to the vehicle is required in order to properly engage/tow vehicle.
 This is not an automatic fee.
- Increase indoor storage fee by \$5, from \$25 to \$30.

Section 16.1 Customer Service:

Employees of the towing operators represent the City in their role as service provider. The towing industry is a challenging one from a customer relations standpoint. Nevertheless, it is our (City's and service provider's) responsibility to ensure the highest levels of customer service are provide to our residents, visitors, and tourists. To this end, all employees of the towing service providers that may have contact with customers and/or the general public must attend and participate in the City's TACC (Towing and Customer Contact) Training. This training session will specifically address customer relations training, including diffusing situations, demeanor/body language, and conflict resolution. All employees of the service providers that have customer contact will be required to attend this training twice annually (every six months). In addition, both towing service providers have agreed to provide informational material to the general public, providing information on frequently asked questions, including: rates, directions to storage locations, and contact information of both towing service providers.

January 14, 2004 Commission Memorandum Towing Services Page 4 of 4

Section 16.2 Complaints/Sanctions:

It is the responsibility of the service provider to address customer service issues in a polite, courteous, and respectful manner, regardless of the comportment of the complainant. Clearly, verbal or physical abuse is unacceptable and police assistance should be sought if a conflict escalates. The towing service providers shall provide written responses to complaints within five (5) business days of receipt. Responses should include identification of the complaint(s)/ issue(s), proposed resolution(s), and corrective measures for the future. The City reserves the right, in its sole discretion, to have the service provider refund all or any portion of the towing fees to the complainant, as liquidated damages, should the City rule in favor of the complainant.

The Administration recommends that the aforementioned amendments be effective on March 1, 2004. Furthermore, the TPC (Transportation and Parking Committee) reviewed, discussed, and endorsed these recommendations at their regularly scheduled meeting held on Monday, January 5, 2004.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the exercising of the second of three one (1) year renewal options, commencing on March 1, 2004, and expiring on February 28, 2005; further approving an increase to the maximum allowable towing rates as outlined in the proposed Thirteenth Amendment of the Rules and Regulations for the Police Department and Parking Department Towing Permits. Said amendments are: (1) increase the existing maximum allowable towing rate for Class "A", "B", "C", and "D" tows by \$10 in 2004 and 2005. For example, Class "A" tows which are the most common types of tows performed would increase from \$95 to \$105 in 2004 and from \$105.00 to \$115.00 in 2005; (2) increase Administrative Fee of \$25 to \$30 for all nonconsensual tows. Administrative Fees are assessed to off-set costs for retrieving vehicle owner information from the State for notification purposes, as required by State Statute; (3) establish a fee of \$20 in 2004 and \$25 in 2005 for labor performed only when access to the vehicle is required in order to properly engage/tow vehicle. This is not an automatic fee; (4) increase indoor storage fee by \$5, from \$25 to \$30; (5) providing for Customer Service Training/Informational Items; and (6) Complaints/Sanctions.

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RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SECOND OF THREE ONE (1) YEAR RENEWAL TERMS OF THE TOWING PERMITS WITH BEACH TOWING SERVICES, INC. AND TREMONT TOWING SERVICES, INC., RESPECTIVELY; BOTH **COMMENCING ON MARCH 1, 2004, AND EXPIRING ON FEBRUARY** 28, 2005, WITH OPTIONS TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR TERM, AT THE SOLE DISCRETION OF THE CITY: AND FURTHER APPROVE THE ATTACHED THIRTEENTH (13TH) **AMENDMENT** TO THE **ADMINISTRATIVE** RULES REGULATIONS FOR THE POLICE DEPARTMENT AND PARKING DEPARTMENT TOWING PERMITS: SAID AMENDMENT PROVIDING FOR AN INCREASE TO THE MAXIMUM ALLOWABLE TOWING RATES: CUSTOMER SERVICE TRAINING: INFORMATIONAL ITEMS: AND COMPLAINTS/SANCTIONS.

WHEREAS, Chapter 106, Article V of the Miami Beach City Code, provides for police vehicle towing permits for the towing of vehicles identified by the City as requiring removal from public and private property; and

WHEREAS, the City issued Request for Proposals No. 1-91/94 for Providing Police and Parking Department Towing Services in the City of Miami Beach, and thereafter the Mayor and City Commission selected Beach Towing Services, Inc. and Tremont Towing Services, Inc., respectively, as the successful proposers to provide these services; and

WHEREAS, pursuant to Resolution No. 95-21615, the Mayor and City Commission extended the towing permits issued for Beach Towing Service, Inc. and Tremont Towing Service, Inc. for a fifteen (15) month period that commenced on July 1, 1995, and expired on September 30, 1996; and

WHEREAS, on June 21, 1996, the Mayor and City Commission approved a second extension of the permits for a period of sixty (60) days, from September 30, 1996 to November 30, 1996, to negotiate additional terms and conditions of the towing permits with Beach Towing Service, Inc. and Tremont Towing Service, Inc.; and

WHEREAS, on November 20, 1996, the Mayor and Commission approved an extension of the towing permits for a period of two (2) years, expiring on November 30, 1998, with a one (1) year option, to be renewed at the sole discretion of the City; and

WHEREAS, on November 18, 1998, the Mayor and Commission approved the two (2) one-year renewal options of the towing permits, expiring on November 30, 1999 and 2000, respectively; and

WHEREAS, on October 18, 2000, the Mayor and Commission waived, by a 5/7th vote, the competitive bidding requirement and approved a two-year towing permits with Beach Towing Services, Inc., and Tremont Towing Services, Inc., expiring on November 30, 2002, with three additional one-year terms, to be renewed at the sole discretion of the City; and

WHEREAS, on October 23, 2002, the Mayor and Commission approved the first of three one (1) year renewal terms for the permits, commencing on December 1, 2002 and expiring on November 30, 2003; and

WHEREAS, on October 15, 2003, the Mayor and Commission approved a three (3) month extension, commencing on December 1, 2003 and expiring on February 29, 2004, allowing for the Administration and towing service providers to negotiate contract terms; and

WHEREAS, Beach Towing Services, Inc. and Tremont Towing Services, Inc. continue to be the only two service providers which satisfy all requirements as stipulated in the City's towing permit requirements, including the ability to provide storage facilities within the City limits; and

WHEREAS, the Administration, including the Police Department and the Parking Department, are satisfied with the level of service provided by both Beach Towing Services, Inc. and Tremont Towing Services, Inc., and herein recommend exercising the first of the three one (1) year renewal terms, commencing on March 1, 2004, and expiring on February 28, 2005; and

WHEREAS, the Administration also has reviewed the maximum allowable towing rates, as outlined in the Twelfth (12th) Amendment of the Rules and Regulations for the Police Department and Parking Department Towing Permits, and herein recommends, as the attached Thirteenth (13th) Amendment of the Rules and Regulations, to increase the existing maximum allowable towing rate for Class "A", "B", "C", and "D" tows by \$10 in 2004 and 2005; increase the Administrative Fee of \$25 to \$30 for all non-consensual tows; establish a fee of \$20 in 2004, and \$25 in 2005, for labor performed only when access to the vehicle is required in order to properly engage/tow vehicle; increase indoor storage fees from \$25 to \$30; and provide for Customer Service Training/Informational Items and Complaints/Sanctions; and

WHEREAS, the Transportation and Parking Committee reviewed, discussed, and endorsed the aforestated Thirteenth Amendment at its regularly scheduled meeting held on January 5, 2004.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, upon recommendation of the Administration, approve the second of three one-year renewal terms of the towing permits with Beach Towing Services, Inc. and Tremont Towing Services, Inc., respectively; both terms commencing on March 1, 2004, and expiring on February 28, 2005, with options to renew for one (1) additional one (1) year term, at the sole discretion of the city; and further approve the attached Thirteenth (13th) Amendment to the Administrative Rules and Regulations for the Police Department and Parking Department Towing Permits; said amendment providing for an increase in the existing maximum allowable towing rates; Customer Service Training, Informational Items, and Complaints/Sanctions. Accordingly, the Mayor and City Clerk are herein authorized to execute any and all documents memorializing this extension.

PASSED AND ADOPTED this	day of	, 2004
	_	
		MAYOR
ATTEST:		
		APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
CITY OF EDIA		Or I/a/AV
CITY CLERK		City Attorney Date

CITY OF MIAMI BEACH POLICE DEPARTMENT

AND

PARKING DEPARTMENT

TOWING PERMIT

AMENDMENT

No. 13

1. COMMUNICATION SYSTEM

Beach Towing and/or Tremont Towing from here on referred to as Permittee shall provide its own two-way radio or approved alternate equivalent communication system. In addition it shall provide the Parking Department with a radio to communicate with its company. The communication system shall be between the Permittee's base station and service trucks utilized in providing towing service for the City.

2. STORAGE FACILITIES

The Permittee shall have available outside storage for a minimum of one hundred (100) vehicles. Said storage area will be enclosed in accordance with applicable zoning requirements to assure maximum security for impounded vehicles. Permittee shall surround the storage facility with a chain-link fence or solid wall type fence at least six (6) feet high. The storage facility shall be sufficiently illuminated to reveal persons and vehicles at a distance of at least 150 feet during nighttime. All vehicle keys shall be secured separately. The Permittee shall provide a completely enclosed inside storage area (solid walls, roof and access door) for at least five (5) vehicles. Said area will be secured from unauthorized persons. The City shall designate temporary storage if necessary where towing is required for special events. In the event all storage facilities of any Permittee are filled to capacity, the Permittee shall NOT be relieved of responsibility to perform and is required to make such arrangements for storage as will fulfill the requirements of the City. All storage space used, which is not listed in the original application, must meet the requirements of the permit. No storage space or area shall be used unless prior written approval is obtained from the Miami Beach Police Department or Parking Department. Storage must be within the City limits of Miami Beach for a minimum of seven (7) days, after which vehicles may be removed to a facility, meeting the

requirements of the contract, outside the City limits of Miami Beach but within Dade County, Florida. Any vehicles with a "police hold" or vehicles, which are recovered, stolen shall not be stored outside the city limits of Miami Beach. Permittee may not charge an additional towing fee for removal of any vehicle from the city limits of Miami Beach for storage. An owner claiming a vehicle stored outside the city limits of Miami Beach shall be given the option of free transportation to its vehicle or having its vehicle returned to the Permittee's Miami Beach storage facility without charge. Unless otherwise instructed by the City Manager or its designee, all vehicles towed at the request of a parking enforcement specialist or the police department is to be stored at the Permittee's storage facility. No storage charges shall be applicable for any vehicles, which, at the request of the City Manager or its designee, are stored at a City facility. The Permittee shall have a permanent on-premises office, which shall be staffed on a 24-hour basis by at least one employee or security guard. Permittee shall provide security on the premises in the form of one or more of the following: night watchman or dispatcher, dog, cameras, or security guard service.

2.1 TOWS WITH POLICE HOLD

Vehicles impounded with an evidence hold, investigative hold order, confiscations hold, or other "police hold" pursuant to Miami Beach Police Department instructions, may be stored for a period of up to five (5) working days, excluding Saturday, Sunday and City of Miami Beach observed legal holidays, at no charge for regular storage for the first five (5) days or until the "police hold" is released, whichever occurs first. After that time, if the vehicle needs to be held (police hold) for a longer period of time, the Miami Beach Police Department may have the vehicle removed by the Permittee to a city storage facility (City of Miami Beach Police Department), without charge to the City.

After the first five (5) days (excluding holidays and weekends) of storage are exhausted, the Miami Beach Police Department shall provide the Permittee written notification to continue the hold and either remove the vehicle or retain the vehicle at the Permittee lot. If the Permittee does not receive that written notification to continue the hold, the Permittee may release the vehicle to the owner/lien holder in accordance with FS 713.78. The Permittee shall notify the Miami Beach Police Department of an impending release of a vehicle with a police hold prior to releasing the vehicle to the owner. If the Miami Beach Police Department has the vehicle removed from the Permittee's lot, and the vehicle is subsequently released to the owner, the owner will be responsible for the initial tow and storage for the number of days the vehicle remained at the Permittee's lot. This will not include the tow to or from the City storage facility. However, if the Miami Beach Police Department chooses to have the vehicle remain at the Permittee's lot, the Miami Beach Police Department shall be responsible for any storage charges incurred after the initial five (5) days (excluding holidays and weekends). The towing and storage rates charged to an owner/lien holder shall not exceed the rates that would be charged to the Miami Beach Police When the Miami Beach Police Department orders a vehicle Department. involved in a criminal investigation to be towed to the police station, or a location other than the Permittee's lot, the towed vehicle may be released from such location to the owner/lien holder upon approval by a police supervisor. Under this procedure, the Miami Beach Police Department agrees to pay for such tows so ordered.

All Police Holds must include the following:

- Name and agency of the Law Enforcement Agency.
- 2. Date and time the hold is placed on the vehicle.

- A general description of the vehicle, including color, make, model, body style and year, VIN, registration plate with state and year, and validation sticker number with state and year.
- 4. The specific reason for placing the hold.
- 5. The condition of the vehicle.
- 6. The location where the vehicle is being held.
- 7. The name, address, and phone number of the tow company storage facility.

ALL VEHICLES SHALL BE STORED INSIDE THE DESIGNATED STORAGE FACILITY AT ALL TIMES.

2.2 In cases where a vehicle has a " police hold" pursuant to a violation of section 106-313 of the Code of the City of Miami Beach-the Vehicle Impoundment Ordinance-Permittee agrees to reduce removal, towing and storage charges when ordered by the City's special master in cases where the special master finds that the City did not establish probable cause at the preliminary or final hearing and/or when the special master determines the existence of a meritorious defense or financial hardship. In any case, Permittee shall receive a minimum of \$20.00 for each vehicle removed pursuant to this violation. In accordance with paragraph 2.1, after the first five days of storage, or sooner (excluding Saturdays, Sundays and observed legal holidays), all vehicles impounded for a violation of the Vehicle Impoundment Ordinance shall also be removed by Permittee to the Police Department without charge.

3. STORAGE PROCEDURES FOR VEHICLES

The Permittee shall provide storage for impounded vehicles in the outside enclosed area unless specific written instructions are given for inside storage by the impounding officer, or vehicle owner. If so required for proper processing for investigative purposes, the Permittee shall move the vehicles to a designated

area within the City of Miami Beach for processing prior to storage, at no additional charge to the City of Miami Beach or to the vehicle owner. In any such instance, the City of Miami Beach and the Miami Beach Police Department shall not be held responsible for making sure that arrangements have been made for towing and storage prior to release of an impounded vehicle by the City or the Police Department. All such vehicles shall be first returned to the Permittee's property, and then only the fee for the original tow shall be charged.

4. PROTECTION OF IMPOUNDED VEHICLES AND PROPERTY

FS 713.78 (7) © requires that when the Miami Beach Police Department requests a vehicle to be removed from an accident scene, street, or highway, the department shall conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by the Permittee. The Permittee shall assume total responsibility to ensure that an impounded vehicle shall remain in the same condition and retain the same equipment at time of release that it had at the time it was impounded. The Permittee shall also assume responsibility for any article(s) of value left in the vehicle and listed on the Vehicle Storage Receipt. The Permittee shall replace any equipment and/or article upon verification of the loss by the designated investigative agency representing the City of Miami Beach. If, at the option of the officer at the scene, the vehicle requires special weather protection, it will so note it on the Vehicle Storage Receipt, and the Permittee shall be required to cover the vehicle completely with a weatherproof material and shall be allowed to charge the sum of fifty cents (\$.50) per day for this service.

5. LOCATION CHANGES OF IMPOUNDED VEHICLES

The Permittee shall not change the type of storage (inside and/or outside) or storage location without written approval of the Miami Beach Police Department P.M.U. (Property Management Unit) Supervisor or its authorized designee prior to any such change.

6. REQUEST FOR TOW SERVICE

All requests for tow service and removal of traffic hazards shall be made by a parking enforcement specialist or through the Miami Beach Police Department. When more than one permit is in effect, the dispatching unit of either the Parking Department or the Police Department will assign each tow to Permittee on a rotating basis, alternating every tow. The Miami Beach Police Department reserves the right to cancel a request for services of a participating Permittee at any time including up to the time of hookup. The Permittee agrees that the mere response to a service call scene without other action does not constitute a service for which charges are applicable. Except in situations where a vehicle has a "police hold" per paragraph 2.1, if the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to the removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference upon payment of a reasonable service fee of not more than one half of the posted rate for such towing service for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise illegally or unlawfully parked. In those situations where immediate removal of a legally parked vehicle is necessary in the interest of public safety due to a fire, storm, flood, crime scene, or other emergency reason and upon authorization of a commanding officer or supervisor of the Miami Beach Police Department, the Permittee shall remove said vehicle to the nearest public parking area available at no cost to the City or to the owner of the vehicle. If a request for a tow, which involves the removal of a vehicle, or boat, which is located under water, is made by the Miami Beach Police Department, the tow company shall provide underwater divers to handle the hook-up of such vehicle or boat.

7. DELAYS

The Permittee shall respond to requests for Police or Parking Department service through Miami Beach Police Department Communications Bureau within a reasonable period of time. The Permittee shall respond within twenty (20) minutes of receipt of request for service or notify the Police Communications Bureau of the estimated time of delay and the reasons thereof. In the event of delay the parking enforcement specialist or the Miami Beach Police Department retains the right to cancel such a request for service and to use the services of another Permittee.

8. ATTENDANT ON DUTY

The Permittee shall make available on a 24-hour, 7-day a week basis attendants and equipment for the immediate response to calls for service from a parking enforcement specialist or from the police department. In addition, the Permittee shall make available adequate personnel to staff its facility 24-hours, 7-days a week for the purpose of dispatching calls and releasing towed vehicles to owners.

9. REMOVING HAZARDS

After arrival at a scene, the tow truck operator shall remove any hazards or debris from the street and impound such vehicles as requested by the parking enforcement specialist or_police officer. It is the duty of the parking enforcement specialist or the police officer on duty to determine when a vehicle should be impounded, and the tow truck operator shall abide by its decision.

10. IMPOUND REPORTS/OWNER NOTIFICATION

The parking enforcement specialist or police officer on the scene will be responsible for obtaining the information required for the Vehicle Storage

Receipt. The wrecker driver shall not remove a vehicle from the scene without a copy of the Storage Receipt. The Permittee shall be responsible for notifying the registered owner or their agents, and any lien holder, via certified mail, return receipt requested of the whereabouts of the vehicle within 24 hours of impoundment if all necessary information has been supplied on the Vehicle Storage Receipt. If, at the time of impounding, the name and address of the registered owner and lien holder, if any is not available, it shall be the responsibility of the Parking Department or the Police Department to provide this information to the Permittee upon request. The Permittee shall obtain such information from the Parking Department or from the Police Department within five (5) days from the date of storage and shall notify the registered owner or its agent, and any lien holder, of the location of the vehicle within seven (7) days, excluding Saturday and Sunday, from the date of storage. Notice shall be by certified mail, return receipt requested and shall be complete upon mailing. Telephone notice shall also be given when possible. If the state of registration is unknown, the Permittee shall make a good faith best effort in so notifying the owner and any lien holder, and such notice shall be given within a reasonable period of time from the date of storage. "Good faith best effort" means the following checks have been performed by the Permittee to establish prior state of registration and for title:

- Check of vehicle for any type of tag, tag record, temporary tag, or regular tag.
- 2. Check of law enforcement report for tag number, if the vehicle was towed at the request of a law enforcement officer.
- Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

- If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.
- Check of vehicle for inspection sticker or other stickers and decals that may indicate a state of possible registration.
- 6. Check of the interior of the vehicle for any papers that may be in the glove box, trunk, or other areas for a state of registration.

The Permittee shall maintain a separate log of vehicles in which the owner or lien holder cannot be determined at place of business listing date, time and method of notification, location towed from, and total towing and storage charges.

11. VIEWING OF IMPOUNDED VEHICLES

Permittee agrees to allow the registered owner of an impounded vehicle or the registered owner's agent or insurance representative, upon proper identification, to view said vehicle on the premises of Permitted. Permittee shall allow every vehicle owner or authorized representative to inspect the towed vehicle within a reasonable time upon his/her arrival at the storage facility and before payment of any charges. The vehicles owner or authorized representative shall be permitted to remove from the vehicle any and all personal possessions not affixed to the vehicle, including but not limited to telephones, tapes, tools, etc., and Permittee shall assist any vehicle's owner/agent in doing so. Vehicle owner/authorized representative shall acknowledge receipt of such property on a form provided by Permittee.

12. RELEASES

The Permittee shall directly release any vehicle to its owner or custodian upon payment of appropriate fees due within thirty (30) minutes of payment. The Permittee shall directly release any vehicle that has not been marked "police hold", provided the proper proof of identification and ownership is presented.

Any vehicle towed, which is marked "police hold" must be released in accordance with the procedure set forth in paragraph 2.1 Permittee shall release any vehicle towed at the request of the Police Department P.M.U. (Property Management Unit) Supervisor or its designee only to the person whose name appears on the title or registration certificate as the registered owner of the vehicle, or to the authorized agent of such person. Persons who make application for the release of such a vehicle shall be required to produce proof of ownership by presentation of a title or registration and photo identification, and where applicable, proof of agency. A photocopy of the identification used for the release shall be attached to the yellow copy of the vehicle storage receipt. This information shall be clearly legible. All motor vehicles that have not been claimed must be disposed of according to state and county laws. The Permittee will be required within three (3) days after a sale, or if a title is surrendered for payment, to submit a detailed listing of the vehicle identification number of the vehicle, tow receipt number, police case number, year, make, model of vehicle, monies received, purchaser's name, address and local telephone number. In the event that the vehicle is "junked" the Permittee shall provide the Miami Beach Police Department with a copy of the certificate of destruction as required by state law. This copy shall be attached to the yellow copy of the vehicle storage receipt. In the release section of the vehicle storage receipt, information shall be recorded as to the name, address, and telephone number of the person or company that takes possession. In the case that the registered owner of the vehicle relinquishes all claims to the vehicle and transfers ownership of the vehicle to the Permittee, the Permittee may not charge a fee for services rendered.

12.1 All vehicles slated for auction must first be approved by the City Manager or its designee.

- 12.2 When abandoned/unclaimed vehicles are auctioned by the Permittee, the City has the right to bid on such vehicles. In cases where abandoned/unclaimed vehicles are auctioned by the Permittee, the City has a right to bid on such vehicles and may obtain title to any such vehicle, provided there are no other bidders, upon payment of the towing and storage charges. The City shall designate a representative of the Miami Beach Police Department to track the auctions of abandoned/ unclaimed vehicles and make the appropriate bidding. Permittee shall notify the Miami Beach Police Department of all abandoned/ unclaimed vehicles prior to auction.
- 12.3 The Permittee shall not charge the City of Miami Beach any towing and storage charges associated with those abandoned/unclaimed vehicles of which the City chooses to take ownership per subsection 12.2 above.
- 12.4 A police supervisor or parking enforcement supervisor may request the Permittee to release a vehicle that has been engaged but not removed from the scene should the impoundment of the vehicle be deemed improper. The release of the vehicle shall be authorized by the agent of the city (police supervisor and/or parking enforcement supervisor) who, must sign in the indicated section of the tow slip authorizing the release of the vehicle at the scene. The City of Miami Beach Police or Parking Department shall pay the towing fees in an improper tow. In instances where a vehicle has been improperly towed and such vehicle belongs to a disabled operator, Permittee shall deliver said vehicle to the original scene of the tow or to a location within the city and the City shall pay all applicable towing fees.

13. EQUIPMENT

Ownership of required equipment as stated herein, is not required under this permit; however, legally binding signed agreements covering leasing or

cooperative use of required equipment must be presented on demand of the City. Equipment leased or cooperatively used must be made available to the Permittee on first priority and be so indicated in the agreements to be filed with the Miami Beach Police Department. When the Permittee sub-contracts, the Permittee is still responsible for meeting all of the requirements of these Rules and Regulations. Each Permittee shall have available the following types of equipment:

13.1 WRECKERS (TOW TRUCKS)

All wreckers will be registered and shall have appropriate licenses to operate as wreckers. The Contractor's towing license number shall be displayed on the front of the vehicle in letters at least three (3) inches high. The company name (or name of Joint Venture) shall be displayed on the driver and passenger side of the vehicle in letters at least three (3) inches high. The company's address (or address of Joint Venture) and telephone number shall be displayed on the driver and passenger side of the vehicle in letters at least one (1) inch high.

All wreckers shall display a current decal issued by the City of Miami Beach. The Proposer shall produce evidence of ownership or valid 1st party lease of the required number of Class "A", Class "B", Class "C", and slide back car carriers. Each Permittee shall maintain mobile equipment between its truck and base stations. All equipment shall be maintained in a state of readiness for response as delineated in this Contract and be for the sole use of the Contractor. The Proposer agrees to have no markings on either vehicles, buildings, or correspondence that indicates or tends to indicate any official relationship between the Contractor and the Miami Beach Police Department or Parking Department, Dade County, or any government agency.

13.2 MINIMUM RATINGS FOR WRECKERS

Wreckers shall meet the following minimum ratings:

- (1) Class "A" Wrecker:
 - (a) Commercially manufactured unit, with a rated capacity of not less than 10,000 pounds, GVW
 - (b) Cab to axle dimension of not less than 56 inches
 - (c) Dual rear wheels
 - (d) Commercially manufactured boom with a minimum capacity of 8,000 pounds
 - (e) Hydraulically operated winch(es) with a minimum total winching capacity of 8,000 pounds
 - (f) One hundred (100) feet of 3/8 inch steel core cable per winch
 - (g) Wheel life with a retracted rating of not less than 3,500 pounds and an extended rating of not less than 2,000 pounds
 - (h) Tow sling with a safe lift rating of 3,500 pounds
 - (I) Two (2) 3/8 inch high test safety chains
 - (j) Dolly equipped
 - (k) One (1) motorcycle sling
 - (I) Four-way lug wrench
 - (m) One (1) pair of jumper cables
- (2) Class "A" Slide Back Car Carrier:
 - (a) Commercially manufactured unit, with a rated capacity of not less than 10,000 pounds, GVW
 - (b) Cab to axle dimension of not less than 102 inches
 - (c) Dual rear wheels
 - (d) Seventeen (17) feet or longer hydraulically operated slide back or tilt bed
 - (e) Hydraulically operated winch(es) with a minimum total winching capacity of 8,000 pounds

- (f) Sixty five (65) feet of 3/8 inch steel core cable
- (g) Two (2) tie down chains, each ten (10) feet in length
- (h) Four-way lug wrench
- (I) One (1) pair of jumper cables

(3) Class "B" Wrecker:

- (a) Commercially manufactured unit, with a rated capacity of not less than 18,000 pounds, GVW
- (b) Cab to axle dimension of not less than 84 inches
- (c) Commercially manufactured hydraulic boom(s) with a minimum total capacity of 16,000 pounds
- (d) Hydraulically operated winch(es) with a minimum total winching capacity of 16,000 pounds
- (e) Two hundred (200) feet of ½ inch steel core cable per winch
- (f) Under reach with a retracted rating of not less than 6,000 pounds and an extended rating of not less than 4,000 pounds
- (g) Tow sling with a safe lift rating of 8,500 pounds
- (h) Two (2) 5/16 inch alloy safety chains
- (I) Tow bar equipped
- (j) Two (2) snatch blocks, minimum 8,000 pound capacity each
- (k) Two (2) scotch blocks
- (I) Brake lock
- (m) Six (6) to eight (8) feet of extra towing chain with hooks, minimum 4,000 pound capacity chain with hooks, minimum 4,000 pound capacity
- (n) Four-way lug wrench
- (o) One (1) pair of jumper cables
- (4) Class "B" Slide Back Car Carrier:

- (a) Commercially manufactured unit, with a rated capacity of not less than 20,000 pounds, GVW
- (b) Cab to axle dimension of not less than 138 inches
- (c) Dual rear wheels
- (d) Twenty one (21) feet or longer hydraulically operated slide back or tilt bed
- (e) Hydraulically operated winch with a minimum winching capacity of 8,000 pounds
- (f) One hundred (100) feet of 3/8 inch steel core cable
- (g) Two (2) tie down chains, each ten (10) feet in length
- (h) One (1) snatch block, minimum 8,000 pound capacity
- (I) Four-way lug wrench
- (j) One (1) pair of jumper cables
- (k) Commercial Non-restricted license plate
- (5) Class "C" Wrecker:
 - (a) Commercially manufactured unit, with a rated capacity of not less than 36,000 pounds, GVW
 - (b) Cab to axle dimension of not less than 144 inches
 - (c) Commercially manufactured boom(s) with a minimum total capacity of 50,000 pounds
 - (d) Winch(es) with a minimum total winching capacity of 50,000 pounds
 - (e) Two hundred (200) feet of 5/8 inch steel core cable per winch
 - (f) Under reach with a retracted rating of not less than 25,000 pounds and an extended rating of not less than 12,000 pounds
 - (g) Rear support jacks or outriggers
 - (h) Tow sling with a safe lift rating of 12,000 pounds

- (I) Two (2) ½ inch alloy safety chains
- (j) Tow bar equipped
- (k) External air hookup and hoses to supply air to disabled vehicles
- (I) Two (2) snatch blocks, minimum 24,000 pound capacity each
- (m) Two (2) scotch blocks
- (n) Spring brake air lock
- (o) Six (6) to eight (8) feet of extra towing chain with hooks, minimum 4,000 pound capacity
- * Where two (2) Class "C" wreckers are required, at least one (1) shall be under reach equipped.

13.3 ADDITIONAL EQUIPMENT REQUIRED ON EACH VEHICLE

- (1) Two-way radio
- (2) Proper safety lights
- (3) Amber rotation dome light
- (4) Two (2) flood lights to rear
- (5) Sand (50 pounds minimum)
- (6) Heavy duty sweeping broom (24" wide)
- (7) Two (2) safety cones (day-glow orange, 3 feet high)
- (8) One set of three (3) reflectors
- (9) Six (6) thirty minute flares
- (10) Flat shovel
- (11) Axe
- (12) Fire extinguisher 5 lb. dry chemical Underwriter approved
- (13) First aid kit minimum 16 units

14. REPORTS AND FILES

- The Permittee shall maintain, at its place of business, a file that will contain the following legible records:
- A Vehicle Storage Receipt (yellow and goldenrod copies) of each impounded vehicle on its premises, proof of ownership notification and invoice of charges for all vehicles released. Once the release occurs, the yellow copy is to be returned to the requesting department with appropriate information including name, address, and telephone number of the individual to whom each vehicle was released. This information must appear legibly on both the yellow and goldenrod copies. The golden rod copy will continue to be retained by Permittee. These files will be maintained sequentially according to the police case number or Parking Department number.
- **14.2** A log of all calls for service by the Police Department and Parking Department on a weekly basis.
- 14.3 An Impound/Notification Log indicating date, time and method of notification to the registered owner of an impounded vehicle, as well as other requested information, as specified in Section 10 "Impound Reports/Owner Notification."
- **14.4** A log indicating vehicles to be auctioned, date of auction, name and address of owner and lien holder, and date contacted.
- **14.5** A log indicating vehicles sold at auction, date auction notice was published, proceeds of auction and distribution of proceeds.
- 14.6 PARKING DEPARTMENT: Sequentially Numbered Vehicle Storage Receipts for each and every vehicle towed by authority of a Parking Enforcement Specialist, indicating vehicle description, date and time towed, location towed from and to, date and time released and itemized charges and reason for impoundment (i.e. Citation Number or Scoff Law case number). All files, records, and logs shall be available for inspection and checking during normal working hours by the Director of Parking, Chief of Police or designees. Permittee shall make available

adequate work space including, but not limited to, a chair and a table, for City personnel inspecting records.

15. ETHICS AND CONDUCT

The Permittee shall conduct its business in an orderly, ethical and business-like manner at all times, and shall use every means to obtain and keep the confidence of the motoring public. All public contact shall be in a courteous and orderly manner.

The Permittee shall not divulge any information with respect to a towed vehicle when such vehicle has a "police hold" from the Miami Beach Police Department. Anyone wishing to obtain information on a vehicle with a "police hold" shall be referred to the Miami Beach Police Department.

16. COMPLAINTS AND DISPUTES

Permittee agrees that any complaints received by the City Manager or its designee; concerning a violation of the Administrative Rules and Regulations contained herein, including but not limited to, misconduct on the part of the Permittee, such as excessive charges, poor business practices, damage to vehicles, etc., shall be referred to the Office of the Chief of Police or Director of Parking, depending on which City department originated the tow, for investigation. The respective Department shall notify Permittee of any complaints within five (5) business days from receipt of the complaint. The Permittee shall provide any additional explanation or information with respect to the particular complaint within five (5) business days upon notification of the A written disposition of the complaint will be forwarded to the complaint. Permittee and complainant upon completion of the investigation. If there have been three or more substantiated complaints within ninety (90) days filed with the City of Miami Beach, the Chief of Police or the Parking Director may request the City Manager that Permittee's permit be suspended for a period of not more than

thirty (30) days with no reduction in the permit fee, reassigning such work as may have been due the suspended Permittee to the remaining Permittee(s), in accordance with the procedures in Miami Beach City Code Section 44-61.

16.1 CUSTOMER SERVICE/INFORMATION ITEMS AND MATERIALS:

Employees of the towing operators represent the City in their role as service provider. The towing industry is a challenging one from a customer relations standpoint. Nevertheless, it is our (City's and service provider's) responsibility to ensure the highest levels of customer service are provide to our residents, visitors, and tourists. To this end, all employees of the towing service providers that may have contact with customers and/or the general public must attend and participate in the City's TACC (Towing and Customer Contact) Training. This training session will specifically address customer relations training, including diffusing situations, demeanor/body language, and conflict resolution. All employees of the service providers that have customer contact will be required to attend this training twice annually (every six months). The towing operators will further develop and issue informational materials providing answers to frequently asked questions, such as rates, directions/location of storage lots, and contact information.

16.2 COMPLAINTS/SANCTIONS:

It is the responsibility of the service provider to address customer service issues in a polite, courteous, and respectful manner, regardless of the comportment of the complainant. Clearly, verbal or physical abuse is unacceptable and police assistance should be sought if a conflict escalates. The towing service providers shall provide written responses to complaints within five (5) business days of

receipt. Responses should include identification of the complaint(s)/issue(s), proposed resolution(s), and corrective measures for the future. The City reserves the right, in its sole discretion, to have the service provider refund all or any portion of the towing fees to the complainant, as liquidated damages, should the City rule in favor of the complainant.

17. EMPLOYEES OF PERMITTEE

A copy of each employee's Driver License shall also be kept on file by Permittee and made available to authorized members of the Miami Beach Police Department.

The Permittee (owners of the company or the officers of the company, if a corporation) shall be responsible, except as otherwise prohibited by law, for the acts of their employees while on duty.

18. UNDERWATER RECOVERY SALVAGE DIVERS

Divers must be SCUBA certified. For every diver, duty time shall be computed from the time of arrival at the scene to the time the vehicle or property is rigged and hoisted to dry land.

19. COMPETENCY OF APPLICANTS

Pre-permit inspection of the existing or proposed facilities will be made after the submission of application. Applications shall be considered only from firms experienced in the towing business, and who can produce evidence that they have an established and satisfactory record of performance and have available the required equipment location, size and site and organization sufficient to ensure that they can properly execute the services required:

- **19.1** To receive consideration, applicant must identify a base of operation and an auto pound located within the City of Miami Beach.
- 19.2 Applicant must have all necessary County and local licenses and permits as may be required to operate the type of requisite business.

19.3 The applicant is presumed to be familiar with all laws, ordinances, rules and regulations that may, in any way, affect the work. Ignorance on the part of the applicant will in no way relieve it from responsibility.

20. ADDITIONAL REQUIREMENTS

- 20.1 Permittee shall provide standardized, printed, sequentially numbered, City designed invoice forms listing the nature of the work performed by it, for the exclusive use of police tows or Parking Department tows. An invoice shall be made for each and every vehicle towed.
- 20.2 Permittee shall keep on file for three (3) years copies of all paid invoices, together with Vehicle Storage Receipts and any and all impound logs filed sequentially by police case number or Parking Department sequentially numbered forms. These records shall be subject to inspection by the Chief of Police, the Director of Parking, or their representatives during normal business hours.
- 20.3 Permittee must post a City-approved sign indicating charges authorized by the City. This sign must include a statement about the accepted methods of payment and the number and kinds of identification required. At a minimum, the sign must be in one-inch lettering, with contrasting background, permanently and prominently posted in the area where the charges are paid to the Permittee. The area(s) accessible to the public must be well lighted, with provisions to accommodate seating for members of the public retrieving vehicles from the Permittee.
- 20.4 Permittee shall comply with all written procedures as issued from time to time by the Parking Department, jointly with the Police Department, which will facilitate the release of towed and/or impounded vehicles to the owner.

- 20.5 Permittee must maintain all storage (pound) and office facilities in a manner commensurate with all applicable regulations, ordinances, rules, and other laws governing the operation of same.
- 20.6 Permittee shall use such security measures as necessary to prevent theft, vandalism, stripping and dismantling of parts from vehicles in all storage areas used under this permit.

21. **MAXIMUM ALLOWABLE RATES**

The City of Miami Beach shall establish maximum rates for providing towing, removal and storage services for wrecked or disabled vehicles removed from accident scenes, and non-consensual removal of vehicles from public streets and public areas within the City of Miami Beach. The Permittee shall not charge in excess of the maximum rates established by the City of Miami Beach, as these may be altered, revised, increased, or decreased from time to time.

21.1 MAXIMUM STORAGE RATES PERMITTED UNDER THIS PERMIT:

The first eight (8) hours of storage shall be without charge. Thereafter the following storage rates shall apply per day:

(1) Inside-Inte	rior
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	(a)	Motorcycles or Scooters	\$12.00
	(b)	Any vehicle less than 20	\$25.00 - <u>\$30.00</u>
		feet in length and 8 feet in width	
	(c)	Any vehicle over 20 feet in length	\$40.00
(2)	Outs		
	(a)	Motorcycles or Scooters	\$10.00
	(b)	Any vehicle less than 20	\$25.00
		feet in length and 8 feet in width	
	(c)	Any vehicle over 20 feet in length	\$30.00
(3)	Boat	and Trailer (Owner's Unit)	

		(a)	Unit under 20 feet in length	\$20.00
		(b)	Unit 21 feet to 35 feet in length	\$35.00
		(c)	Unit over 35 feet in length	\$45.00
21.2	A.	Tow	Rate Class "A" Tow Truck and	\$95.00 <u>\$105.00(2004)</u>
		Clas	s "A" Car Carrier, including:	<u>\$115.00 (2005)</u>
		1.	First 30 minutes at the scene	
		2.	Unlocking door	
		3.	Dropping/hooking up linkage	
		4.	Wheel lift equipment	
		5.	Use of Dolly	
	B.	Clas	s "B" Tow Truck including:	\$125.00 <u>\$135.00</u> (2004)
		1.	First 30 minutes at the scene	<u>\$145.00 (2005)</u>
		2.	Unlocking door	
		3.	Dropping/hooking up linkage	
		4.	Under reach equipment	
	C.	Class	s "C" Tow Truck including:	\$155.00 <u>\$165.00 (2004)</u>
		1.	First 30 minutes at the scene	<u>\$175.00 (2005)</u>
		2.	Unlocking door	
		3.	Dropping/hooking up linkage	
		4.	Removal of air dams, shafts, or axles	
		5.	Air hookup	
		6.	Under reach equipment	
	D.	Tow I	Rate Class "D" Tow Truck, including:	\$180.00 <u>\$190.00 (2004)</u>
		1.	First 30 minutes at the scene	\$200.00 (2005)
		2.	Unlocking door	
		3.	Dropping/hooking up linkage	
		4.	Removal of air dams, shafts, or axles	

- 5. Air hookup
- 6. Under reach equipment
- E. Tow Rate Class "B" or "C" Car Carrier \$125.00

including:

- 1. First 30 minutes at the scene
- 2. Unlocking door
- 3. Dropping/hooking up linkage
- F. Use of Contractor's Boat Trailer, any length,

including storage, per day:

1. Trailer up to 18 feet in length \$50.00

2. Trailer 18 to 30 feet in length \$ 75.00

3. Trailer over 30 feet in length \$150.00

- G. Special and additional charges
 - Extra labor or extra waiting time \$16.50 per hour after the first 30 minutes at the scene and prorated after the 1st hour in 15 minute increments.
 - 2. Mileage charges:

\$5.00 per mile; maximum of

\$35.00 per tow.

3. Administrative fee:

\$30.00 maximum per tow.

4. Dollies or Flatbed Services:

\$35.00 per job.

<u>5.</u> <u>Labor to Engage/Tow:</u>

\$20 per tow (2004).

This is not an automatic

\$25 per tow (2005)

fee and may only be imposed

when access to enter vehicle is

required to properly engage/tow

<u>vehicle.</u>

Waiting time and extra labor: Cost of any waiting time or extra labor (i.e., "retrieving", special handling) accomplished within thirty (30) minutes of arrival at the scene shall be included in the base tow rate. If, and only if, such waiting time or extra labor consumes more than thirty (30) minutes, an extra waiting time or extra labor charge per fifteen (15) minutes or any fraction thereof, may be assessed by the Contractor commencing thirty (30) minutes after arrival at the scene. The Contractor agrees that any extra waiting time or extra labor charge authorization should be made by the officer on the scene, whenever possible, and so indicated in writing on the vehicle storage receipt.

No charges may be imposed other than those specified in the contract rate structure except as follows: A maximum charge not exceeding \$30.00 (not as an automatic "add-on", but only when required to comply by Florida Statutes) may be imposed by the Contractor for administrative services, processing of paperwork, clerical work or title research. Administrative charges refer to and include verification of Public Vehicle Identification Number; search of vehicle for ownership information; preparation of paperwork required by Florida Statute; preparation and mailing of the notification letter(s); and preparation of vehicle for auction, including notification to owner and/or lien holder as the case may be. These administrative charges shall not be imposed on vehicles with a "police hold" until or unless the hold is removed and such administrative services become applicable. Except in situations where a vehicle has a police hold, if the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to the removal of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference upon payment of a reasonable service fee of not more than one half of the posted rate for such

towing service for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise illegally or unlawfully parked.

NOTE: STORAGE FOR CITY (CONFISCATED) VEHICLES WITH POLICE HOLDS IS FREE OF CHARGE TO THE CITY.

22. ROAD SERVICE

(to include jump start, delivery of gas, door opening, tire change when there is no tow......\$ 20.00

23. RESPONSIBILITY FOR PAYMENT

The motor vehicle owner or legally authorized representative is responsible for payment of charges imposed by the Permittee in accordance with the permit rate schedule.

- 23.1 The City of Miami Beach, Parking Department and the Police Department shall not be responsible for any charges imposed for towing and storage, or for securing payments due Permittee upon vehicle release authorized by the City of Miami Beach, Parking Department or and the Police Department.
- 23.2 Permittee shall accept the following as acceptable forms of payment for authorized charges: cash, travelers checks, personal bank checks drawn on a bank in Dade, Broward, or Monroe Counties, Florida, or credit cards. The Permittee of vehicle operators recovering vehicles may require two forms of identification, one of which shall be a picture identification.
- 23.3 Permittee shall install ATM (Automatic Teller Machines) on premises.

24. FORWARDING REPORTS TO POLICE DEPARTMENT AND THE CITY MANAGER'S OFFICE

The Permittee shall be responsible for forwarding to the Police Department, Parking Department, and the City Manager's Office by 3:00 P.M. each Friday the following:

- **24.1** Copies of all Vehicle Storage Receipts for vehicles released the previous week, together with copy of completed numbered invoice for each vehicle.
- **24.2** Original log of all calls for service by the Police Department or Parking Department on a weekly basis.
- 24.3 Original log of all vehicles with police holds in the custody of the Permittee.
- 24.4 Original Impound/Notification Log for previous week.
- **24.5** Original log completed prior to vehicle auctions.
- **24.6** Copy of Public Notice of auction (10 days prior to auction).
- 24.7 Original log completed immediately following auction.All copies shall be legible, and original forms provided as requested.

25. QUALIFICATION OF APPLICANT

Each applicant may be required before the issuance of a permit, to show to the complete satisfaction of the City Manager, or its designee that he/she has the necessary facilities, ability, and financial resources to furnish the services as specified herein in a satisfactory manner, and he/she may also be required to show past history and references which will enable the City Manager or its designee to satisfy itself as to its qualifications. Failure to qualify according to the foregoing requirements will justify the City Manager in rejecting its application.

26. ASSIGNMENT

The successful Permittee(s) shall not assign, transfer, convey, sublet or otherwise dispose of this permit, or of any or all of its rights, title or interest therein, or its or its power to execute such permit to any person, company or corporation without prior written consent of the City.

27. RELATION OF CITY

It is the intent of the parties hereto that the Permittee shall be legally considered as an independent Permittee and that neither he nor its employees shall, under any circumstances, be considered servants or agents of the City, and that the City shall be at no time legally responsible for any negligence on the part of said Permittee, its servants or agents, resulting in either bodily or personal injury or property damage to any individual, firm, or corporation.

28. CHANGES IN RULES AND REGULATIONS

If the City of Miami Beach and/or the Police Department deem it necessary to add, change, or delete Permit Rules and Regulations, it may be done through recommendation of the City Manager and approval of the City Commission. Changes in the Rate Schedule requested by the Permittee may be done through Commission Amendment, on/or about October 1 each year. Thirty 30 days prior written notice of such request must be given to the City of Miami Beach Parking Department and the Police Department.

29. INSPECTIONS AND AUDITS

The Permittee agrees that all the records, equipment, personnel, office and storage facilities will be subject to periodic checks and audits by properly designated representatives of the City of Miami Beach, without prior notice by the City of Miami Beach.

30. PRINCIPALS/COLLUSION

By submission of an application, the applicant does declare that the only person or persons interested in this permit as principal or principals is named therein and that no person other than therein mentioned has any interest in this permit and that this permit is made without connection with any person, company or parties making an application, and that it is in all respects, fair and in good faith, without collusion or fraud.

31. GENERAL TERMS

- 31.1 Any vehicle released at the scene by the Parking Department or Police Department shall be towed to any location the owner or driver requests within the limits of Dade County at mileage rates in accordance with the published rates.
- 31.2 The Permittee shall have no markings on its vehicles, building, or correspondence that indicates or tends to indicate any official relationship between the Permittee and the City of Miami Beach or any of its departments.
- 31.3 Nothing herein will prevent the owner of a vehicle from selecting its own tow service.
- 31.4 Permittee shall abide by all applicable State, County and Municipal Laws and regulations regarding impoundment and storage of vehicles.

32. EMERGENCY TOWING OF CITY OF MIAMI BEACH VEHICLES

Each Permittee shall provide this service for one month at a time, on a rotating basis. This service is designed to remove and secure vehicles owned by the City of Miami Beach, which become disabled. Permittee shall be prompt in their response to City of Miami Beach calls. No charge will be made for towing City of Miami Beach vehicles. Emergency service is limited to Dade and Broward Counties.

The Permittee may receive requests for this service from the City Manager or its designee (City of Miami Beach Police Department dispatcher, Parking Department Dispatcher, or the Mechanical Maintenance Department dispatcher. In either case, the dispatcher will give the towing company the following information:

- Location of the vehicle, with the nearest street address.
- 2. Make, year, model and tag number of the City vehicle, together with all information available as to the condition of the vehicle.
- 3. Name of the City employee operating the vehicle.

The Permittee shall tow and return the City vehicle to the Mechanical Maintenance Garage at 140 MacArthur Causeway. City of Miami Beach Police Department vehicles may, at the instruction of the Police Officer operating the vehicle, be towed to the Police Facility at 1100 Washington Avenue, instead of the Mechanical Maintenance Garage.

33. ABANDONED VEHICLES

Only those abandoned vehicles on public property or public highways, streets, and right-of-ways shall be removed by the Towing Permit Holder (Permittee) as directed by the City of Miami Beach Chief of Police or its designee or by a Parking Enforcement Specialist. It is understood that the Permittee will provide all plant, labor, materials and equipment, and perform all the necessary work in the manner and form hereinafter provided to remove abandoned vehicles in the City.

The term "vehicles" shall include, but is not limited to, automobiles, trucks, truck bodies, house trailers, etc. The abandoned vehicle may be partly or entirely dismantled or may consist of only a major portion of the body or framework. For the purpose of this Permit, a "unit" shall consist of the authorization, removal, and disposal of an abandoned vehicle.

- The term "abandoned vehicle" shall refer only to those vehicles which are properly identified as such by the City Manager or its designee: Chief of Police and/or Director of Parking. The Chief of Police or designee, or Director of Parking or designee will furnish the Permittee with a vehicle storage receipt.
- 2. The Miami Beach Police Department or a parking enforcement specialist issues and affixes stickers on abandoned vehicles. After a minimum of two (2) days, if the vehicle is not removed, it may be towed at the request of the City of Miami Beach. However, vehicles parked where parking is

prohibited or so as to be a hazard or obstruction to traffic may be towed or impounded immediately. Notwithstanding the above, vehicles properly parked in one of the City's Residential Parking Permit Districts and displaying a valid Residential Parking Decal shall not be regarded as abandoned or stored.

- 3. The Permittee shall notify by certified letter, sent to the registered owner and any lien holder, advising of vehicle location, and that the vehicle must be claimed within thirty-five (35) days and full payment made of accumulated towing and any other charges permitted under_these regulations. However, when the City has followed the procedures set forth in Section 705.103, Florida Statutes, and amendments thereto the City may elect to dispose of the vehicle as provided in that Section and shall so notify the Permittee.
- 4. The vehicle may be stored at the Permittee's storage location or at the salvage company prior to final disposition of the vehicle in accordance with all applicable provisions of the Florida Statutes.
- 5. The Permittee shall pay the City twenty dollars (\$20.00) per tow for every abandoned vehicle that the Permittee tows.
- 6. The Permittee shall assume and be responsible for, and shall defend, indemnify and hold harmless the City from and against all claims and demands of all parties whatsoever for violation of Section 713.78(5), Florida State Statutes, which states, in part: "Any vehicle which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable towing or storage charges remain unpaid, may be sold by the owner or operator of the storage space after thirty-five (35) days from the time the vehicle is stored therein".

7. The Permittee shall pay all judgments obtained by reason of a violation of Section 713.78, Florida Statutes, as specified in suit or suits against the City, including all legal costs, court expenses and attorney fees and other like expenses; and the Permittee shall have the right to join in the defense of such suits.

34. PERMIT FEE-MONTHLY BILLING

The Permittee shall pay to the City a permit fee in the amount of \$25.00 for each vehicle towed pursuant to this permit and \$12.50 for each vehicle that is disconnected from the towing or removal apparatus.

- 34.1 The City of Miami Beach shall bill the Permittee by the 10th of each month for all tows occurring in the previous month. A late charge of \$50.00 plus eighteen percent (18%) per annum interest charges shall be assessed on all payments received after the 20th day of the billing month.
- 34.2 Payments to the City shall be by check sent to the City of Miami Beach Finance Department (Revenue Section). Checks shall be clearly marked "Police Tow" or "Parking Department Tow" on the City Invoice Remittance Sections.

35. INSURANCE REQUIREMENTS FOR POLICE TOWING

See Insurance Check List for applicability to this Permit.

a. The Permittee shall be responsible for its work and every part thereof, and for all materials, tools, appliances, and property of every description, used in connection with this particular project. He shall specifically and distinctly assume, and does so assume, all risks of damage or injury to property or persons used or employed on or in connection with the work and of all damage or injury to any person or property wherever located, resulting from any action or operation under the Permit or in connection with the work. It is understood and agreed that at all times the Permittee is acting as an independent contractor.

- b. The Permittee, at all times during the full duration of work under this Permit, including extra work in connection with this project, shall meet the following requirements:
 - i. Workers' Compensation and Employer's Liability Insurance to meet the statutory requirements of the State of Florida.
 - ii. Commercial General Liability Insurance in amounts prescribed by the City (see checklist for limits) to protect the Permittee in the interest of the City against all risks of injury to persons (including death) or damage to property, wherever located, resulting from any action or operation under the Permit or in connection with the work. Automobile Liability Insurance, including Property Damage covering all owned, non-owned or hired automobiles and equipment used in connection with the work.
 - iii. Any additional coverages required by the Risk Manager as indicated on the Insurance Check List.
 - iv. Name the City of Miami Beach as an additional ensured on all liability policies required by the City. When naming the City of Miami Beach as an additional insured onto said policies, the insurance companies hereby agree and will endorse the policies to state that the City will not be liable for the payment of any premiums or assessments.
 - v. No change or cancellation in insurance shall be made without thirty (30) days written notice to the City of Miami Beach Risk Manager.
 - vi. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and these companies must have a rating of at least B+:VI or better per Best's Key Rating Guide, latest edition.
 - vii. Original signed Certificates of Insurance, evidencing such coverages and endorsements as required herein, shall be filed with, and approved by, the

City of Miami Beach Risk Manager before work is started. The certificate must state Bid Number and Title. Upon expiration of the required insurance, the Permittee must submit updated certificates of insurance for as long a period as any work is still in progress.

- viii. It is understood and agreed that all policies of insurance provided by the Permittee are primary coverage to any insurance or self-insurance the City of Miami Beach possesses that may apply to a loss resulting from the work performed with this Permit.
- c. The liability insurance coverage shall extend to and include the following contractual indemnity and hold harmless agreement: "The Permittee hereby agrees to indemnify and hold harmless the City of Miami Beach, a municipal corporation, its officers, agents, and employees from all claims for bodily injuries to the public in and up to the amount of \$300,000.00 for each occurrence and for all damages to the property of others in and up to the amount of \$300,000.00 for each occurrence, as per the insurance requirement under the specifications, including costs of investigation, all expenses of litigation, including reasonable attorney's fees and the cost of appeals arising out of any such claims or suits because of any and all acts or omissions or commission of any negligent acts by the Permittee, its agents, servants, or employees, or through the mere existence of the project covered by the Permit. The foregoing indemnity agreement shall apply to any and all claims and suits other than claims and suits arising out of the sole and exclusive negligence of the City of Miami Beach, its officers, agents, and employees, as determined by a court of competent jurisdiction."
 - i. The Permittee will notify its insurance agent, without delay, of the existence of the Hold Harmless Agreement contained within this Permit and furnish a copy of the Hold Harmless Agreement to the insurance agent and carrier.

- ii. The Permittee will obtain and maintain contractual liability insurance in adequate limits for the sole purpose of protecting the City of Miami Beach, under the Hold Harmless Agreement, from any and all claims arising out of this contractual (Permit) operation.
- d. All policies issued to cover the insurance requirements herein shall provide full coverage from the first dollar of exposure. No deductibles will be allowed in any policies issued on this Permit unless approved by the City's Risk Manager.
- e. The Permittee will secure and maintain policies of subcontractors. All policies shall be made available to the City upon demand. Compliance by the Permittee and all subcontractors with the foregoing requirements as to carrying insurance and furnishing copies of the insurance policies shall not relieve the Permittee and all subcontractors of their liabilities and obligations under any section or provision of this Permit. Permittee shall be as fully responsible to the City for the acts and omissions of the subcontractor and of persons employed by them as he is for acts and omissions of persons directly employed by it.
- f. Insurance coverage required in these specifications shall be in force throughout the contract term. Should any awardee fail to provide acceptable evidence of current insurance within seven days of receipt of written notice at any time during the contract term, the City shall have the right to cancel the Permit and justify the termination thereof.
- g. If bidder does not meet the insurance requirements of the specifications; alternate insurance coverage, satisfactory to the Risk Manager, may be considered.

36. EQUAL EMPLOYMENT OPPORTUNITY/ADA NON-DISCRIMINATION POLICY

In connection with the performance of this Agreement, the Permittee shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age, national origin, place of birth, marital status, or physical handicap. The Provider shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their race, color, religion, ancestry, sex, age, national origin, place of birth, marital status, disability, or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or termination; recruitment or recruitment advertising; layoff or termination; rates of pay, or other forms of compensation; and selection for training, including apprenticeship.

Permittee agrees to adhere to and be governed by all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

The American with Disabilities Act of 1990 (ADA) Pub.L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 547 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Rehabilitation Act of 1973: 29 U.S.C. Section 794.

The Federal Transit Act, as amended: 49 U.S.C. Section 1612.

The Fair Housing Act as amended, 42 U.S.C. Section 3601-3633.

Permittee must complete and submit the City's Disability Non-Discrimination Affidavit (Affidavit). In the event Permittee fails to execute the City's Affidavit, or is found to be in non-compliance with the provisions of the Affidavit, the City may

impose such sanctions as it may determine to be appropriate, including but not limited to, withholding assignment of tows, to Permittee under the Agreement until compliance and/or cancellation, termination, or suspension of the Agreement, in whole or in part. In the event the City cancels or terminates the Agreement pursuant to this Section, Permittee shall not be relieved of liability to the City for damages sustained by the City by virtue of Provider's breach of the Agreement.

F:\PING\\$ALL\SAUL\COMMRESO\TOWORD13.DOC/1/5/04

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City of Miami Beach





Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

COMMISSION MEMORANDUM

TO:

Mayor David Dermer

Date:

January 14, 2004

Members of the City Commission Jorge M. Gonzalez, City Manager

FROM:

Murray H. Dubbin, City Attorney

SUBJECT:

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT BETWEEN LA GORCE COUNTRY CLUB, INC., AND THE CITY OF MIAMI BEACH, AND AUTHORIZING THE CITY MANAGER AND CITY

ATTORNEY TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO

CARRY OUT THE INTENT HEREOF.

RECOMMENDATION

Adopt the resolution approving the referenced Settlement Agreement between La Gorce Country Club, Inc. and the City of Miami Beach, Florida.

ANALYSIS

La Gorce Country Club challenged the City's fence and landscaping provisions in Ordinance 2002-3367, first by Petition for Writ of Certiorari, to the Appellate Division of Circuit Court, then by Complaint in the General Jurisdiction Division of Miami-Dade County Circuit Court. The Appellate Division denied La Gorce's Petition, which decision has recently been upheld by the Third District Court of Appeal, however, the trial court in the General Jurisdiction Division after a two-day trial declared the fence and landscaping provisions of Ordinance 2002-3367 unconstitutional, based on the Florida and U.S. constitutions. The trial court also ruled that La Gorce is entitled to an award of attorney's fees and costs, in an amount to be determined, under 42 U.S.C. section 1988, which awards attorneys' fees to successful plaintiffs under 42 U.S.C. section 1983, which was included among the claims filed by La Gorce.

La Gorce has offered, among other things, to seek a permit for a four foot high fence, and when installing and maintaining hedges and other landscaping, excluding trees, provide a view of the golf course from abutting residential properties.

Agenda Item <u>R76</u>
1700 Convention Center Drive -- Fourth Floor -- Miami Beac Date 1-14-04

City Commission Memorandum January 14, 2004

Re: Settlement Agreement Between La Gorce Country Club, Inc. and The City of Miami Beach

Page: Page 2 of 2

If the fence permit is granted La Gorce agrees to waive its claim for attorney's fees and costs, and any other damages arising out of this matter.

Since the primary purposes of the challenged fence and landscaping provisions in the ordinance were to protect the views of the homeowners surrounding the golf course, as well as protect property values and the character of the neighborhood, this settlement agreement, if fully performed, seeks to accomplish the purposes initially sought, while protecting the City from present economic claims and further possible adverse decisions in this matter.

MHD\GMH

F:\atto\\$ALL\SHEILA\RESO-ORD.CM\LaGorceCountryClub v CMB.CM-1

RESOL	UTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT BETWEEN LA GORCE COUNTRY CLUB, INC., AND THE CITY OF MIAMI BEACH, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT THE INTENT HEREOF.

WHEREAS, on May 8, 2002 the City Commission adopted Ordinance 2002-3367 amending the land development regulations in the GC Golf Course District, affecting privately-owned golf courses in the City, including La Gorce Country Club, Inc., ("La Gorce) and its golf course; and

WHEREAS, La Gorce challenged the fence and landscaping provisions in Ordinance 2002-3367, first by Petition for Writ of Certiorari, to the Appellate Division of the Circuit Court, and then by Complaint in the General Jurisdiction Division of Miami-Dade County Circuit Court; and

WHEREAS, the Appellate Division denied La Gorce's Petition, which decision has recently been upheld by the Third District Court of Appeal, however, the trial court in the General Jurisdiction Division after a two-day trial declared the fence and landscaping provisions of Ordinance 2002-3367 unconstitutional, based on the Florida and U.S. constitutions; and

WHEREAS, the trial court also ruled that La Gorce is entitled to an award of attorney's fees and costs, in an amount to be determined, under 42 U.S.C. section 1988, which awards attorneys' fees to successful plaintiffs under 42 U.S.C. section 1983, which was included among the claims filed by La Gorce; and

WHEREAS, while the City Attorney has appealed the trial court's declaration of unconstitutionality, and is confident that such decision, along with the award of attorneys' fees may be overturned, the result of continued litigation and appeals is never certain, and settlement will hopefully put to rest this acrimonious dispute in a more favorable way; and

WHEREAS, La Gorce has agreed to seek a permit for a four foot high fence, and when installing and maintaining hedges and other landscaping, excluding trees, provide a view of the golf course from abutting residential properties, and has further agreed that upon issuance of such permit to waive its claims for attorneys' fees and costs, and any other damages arising out of this matter; and

WHEREAS, since the primary purposes of the challenged fence and landscaping provisions in the ordinance were to protect the views of the homeowners surrounding the golf course, as well as protect property values and the character of the neighborhood, this settlement agreement seeks to accomplish the purposes initially sought, while protecting the City from current claims of liability and further possible adverse decisions in this matter.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Clerk are hereby authorized to execute the attached settlement agreement with La Gorce Country Club, Inc and the City Manager and City Attorney are authorized to take such further actions as may be necessary to accomplish the intent hereof.

PASSED and ADOPTED this	day of, 200	04.
ATTEST:		
	MAYOR	
CITY CLERK		

APPROVED AS TO FORM AND LANGUAGE & FOR EXECUTION

F:\atto\HELG\Resolutions\La Gorce Settlement Agreement res.doc

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: January 14, 2004

COMMISSION MEMORANDUM

To: Mayor David Dermer and

Members of the City Commission

From: Chairman Steve Zack

Vice-Chair Jonathan Beloff

Member of the Board Ricky Arriola Member of the Board Victor Diaz

Member of the Board Honorable Seymour Gelber

Member of the Board Larry Herrup Member of the Board Abraham Laeser

Subject: AMENDING CHARTER SECTION 1.03(b) REGARDING LEASE/DISPOSAL

OF CITY-OWNED PROPERTY: RESOLUTION CALLING FOR MARCH 9.

2004 SPECIAL ELECTION

The Charter Review Board met on Monday December 8, 2003 and, pursuant to Commission directive, met with the City Land Use Committee on December 20, 2003, to discuss proposed amendments to City Charter Section 1.03(b) regarding Lease/Disposal of City-owned property. The attached resolution reflects the consensus of the Land Use Committee and Charter Review Board regarding the proposed amendments to Charter Section 1.03(b).

Agenda Item_RTH Date_|-|4-04

RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER **SECTION** 1.03(b)REQUIRING **VOTER APPROVAL** LEASE/DISPOSAL **OF CITY-OWNED** PARK, RECREATION, WATERFRONT PROPERTY SHOULD APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER CITY-OWNED PROPERTIES; INCREASE EXEMPT LEASE PERIOD FROM FIVE TO TEN YEARS; EXEMPT INTEREST/SETTLEMENT OF CLAIMS EXISTING AS OF JANUARY 14TH, 2004.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of

Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 1.03(b) RE: LEASE/DISPOSAL OF CITY-OWNED PROPERTY BY EXPANDING ITS APPLICABILITY

SHALL CHARTER SECTION 1.03(b) REQUIRING VOTER APPROVAL BEFORE LEASE/DISPOSAL OF CITY-OWNED PARK, RECREATION, WATERFRONT PROPERTY APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER

CITY-OWNED	PROPERTIES ;	INCREASE	EXEMPT	LEASE	PERI	OD
FROM FIVE TO	O TEN YEARS;	EXEMPT IN	TEREST/S	ETTLEN	MENT	OF
CLAIMS EXIST	TING AS OF JAN	UARY 14 TH .	2004?			

	YES
	NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 1.03(b) RE: LEASE/DISPOSAL OF CITY-OWNED PROPERTY BY EXPANDING ITS APPLICABILITY

SHALL CHARTER SECTION 1.03(b) REQUIRING VOTER APPROVAL BEFORE LEASE/DISPOSAL OF CITY-OWNED PARK, RECREATION, WATERFRONT PROPERTY APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER CITY-OWNED PROPERTIES; INCREASE EXEMPT LEASE PERIOD FROM FIVE TO TEN YEARS; EXEMPT INTEREST/SETTLEMENT OF CLAIMS EXISTING AS OF JANUARY 14TH, 2004?

 YES
NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective in PASSED and ADOPTED this	•	, 2004.
ATTEST:	I	MAYOR
CITY CLERK		APPROVED AS T

F:\atto\OLII\ELECTION\RESO\Disposal of City-Owned Property Section 1.03(b).doc

FORM & LANGUAGE & FOR EXECUTION

A. Proposed Ballot Question

AMENDING CHARTER SECTION 1.03(b) RE: LEASE/DISPOSAL OF CITY-OWNED PROPERTY BY EXPANDING ITS APPLICABILITY

SHALL CHARTER SECTION 1.03(b) REQUIRING VOTER APPROVAL BEFORE LEASE/DISPOSAL OF CITY-OWNED PARK, RECREATION, WATERFRONT PROPERTY APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER CITY-OWNED PROPERTIES; INCREASE EXEMPT LEASE PERIOD FROM FIVE TO TEN YEARS; EXEMPT INTEREST/SETTLEMENT OF CLAIMS EXISTING AS OF JANUARY 14TH, 2004?

 YES
NO

B. Proposed Text

Sec. 1.03. Powers of city.

* * *

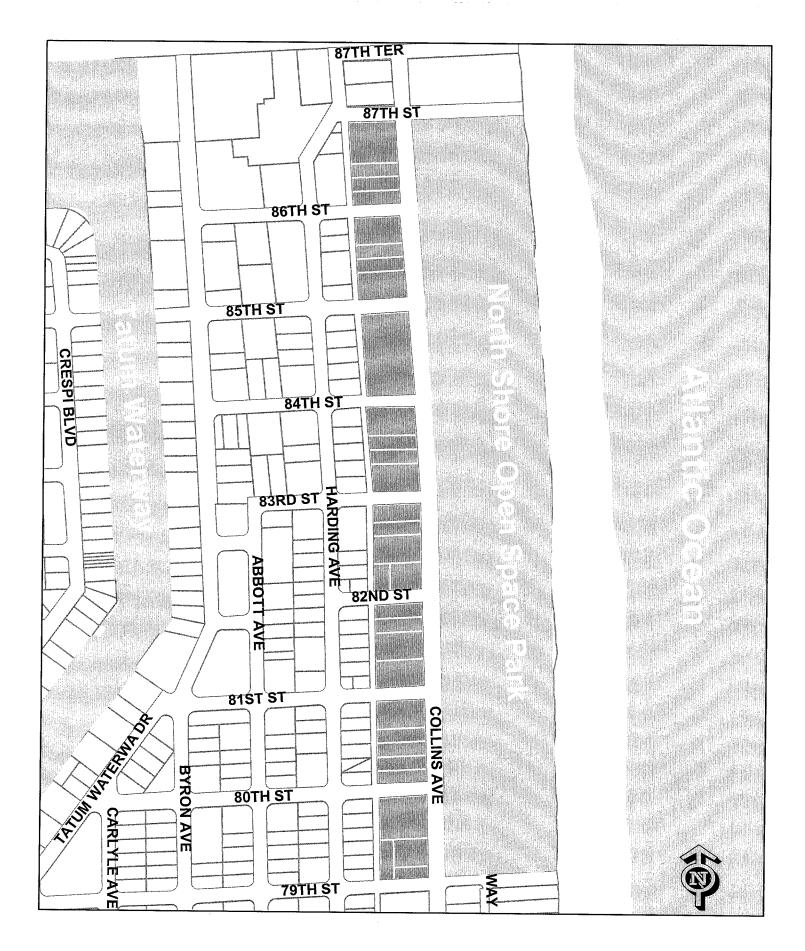
(b) Alienability of property.

- 1. The only limitation concerning alienability of City-owned park, recreation or waterfront property is the restriction of the sale, exchange, conveyance or lease of five (5) ten (10) years or longer (including option periods) of park, recreation, or waterfront property in the City of Miami Beach while it is being used for such public purpose, unless such sale, exchange, conveyance or lease is approved by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation, and waterfront lands. This provision shall not be construed to apply to any valid written contractual commitments or bids or bonded indebtedness which commitments, bids or indebtedness existed prior to November 4, 1992. Further, this provision shall not apply to any City-owned educational facility or library property, any parking facility not located on park, recreation, or waterfront property or to any utility or access easements, or right of ways, or to that triangular parcel of City owned property known as Parcel 2 of South Pointe Park located within the Miami Beach Redevelopment Area, said parcel generally described as being 138.87 feet fronting on Biscayne Street with a northerly boundary of 265.43 feet adjacent to Block 8 of South Pointe Development company, and a Southeasterly boundary of 226.20 feet adjacent to Cook Inlet Region property.
- 2. The sale, exchange, conveyance or lease of ten years or longer of the following properties¹ shall also require approval by a majority vote of the voters in a City-wide referendum: (1) Lots West of the North Shore Open Space Park: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) Cultural Campus: All

¹ See, Maps attached hereto as Composite Exhibit "A".

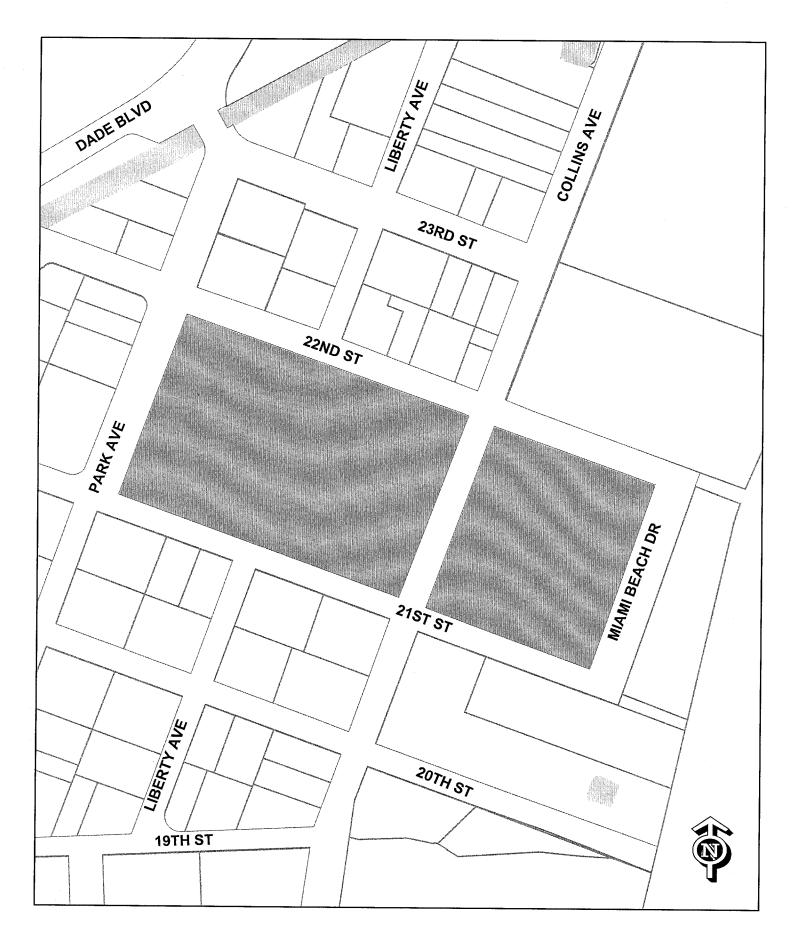
City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) 72nd Street Parking Lot: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; (4) Convention Center Parking Lots: All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; and (5) Lincoln Road Parking Lots: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West.

- 3. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property shall, as provided by Ordinance, require approval by a majority (4/7) vote of all members of the Planning Board and five-sevenths vote of all members of the City Commission.
- 4. The terms of this Charter section shall not apply to any valid written contractual commitments or bids or bonded indebtedness, which commitments, bids or indebtedness existed prior to January 14, 2004; nor shall this Charter section apply to any City property which is the subject of a settlement of a claim which the City had notice of as of January 14, 2004.

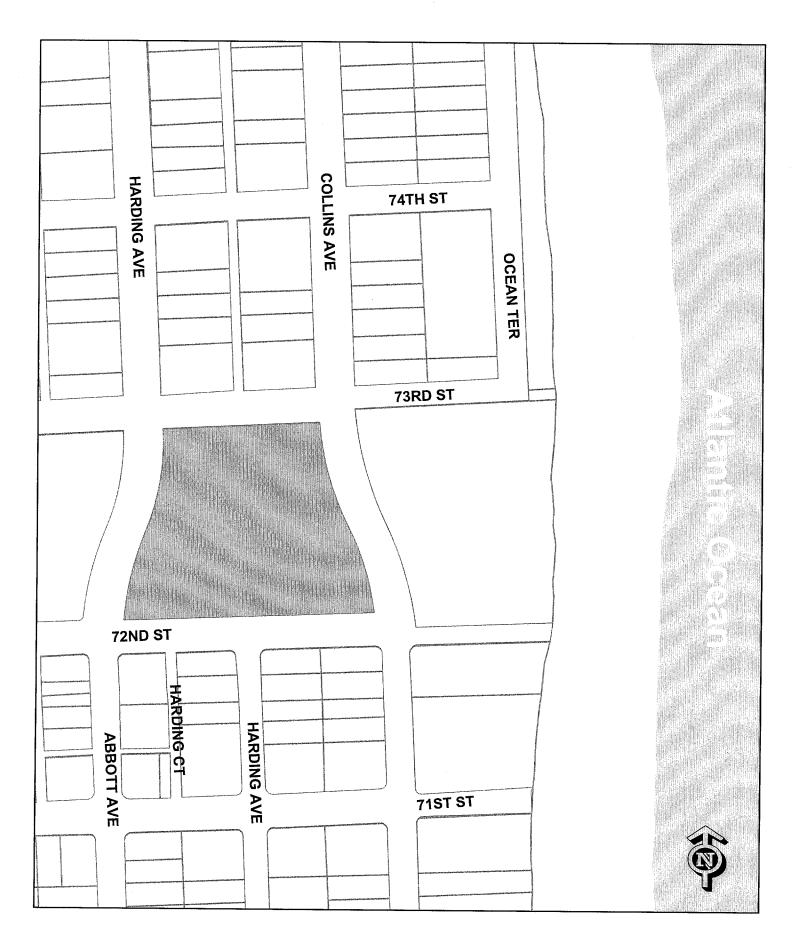


(1) Lots West of the North Shore Open Space Park

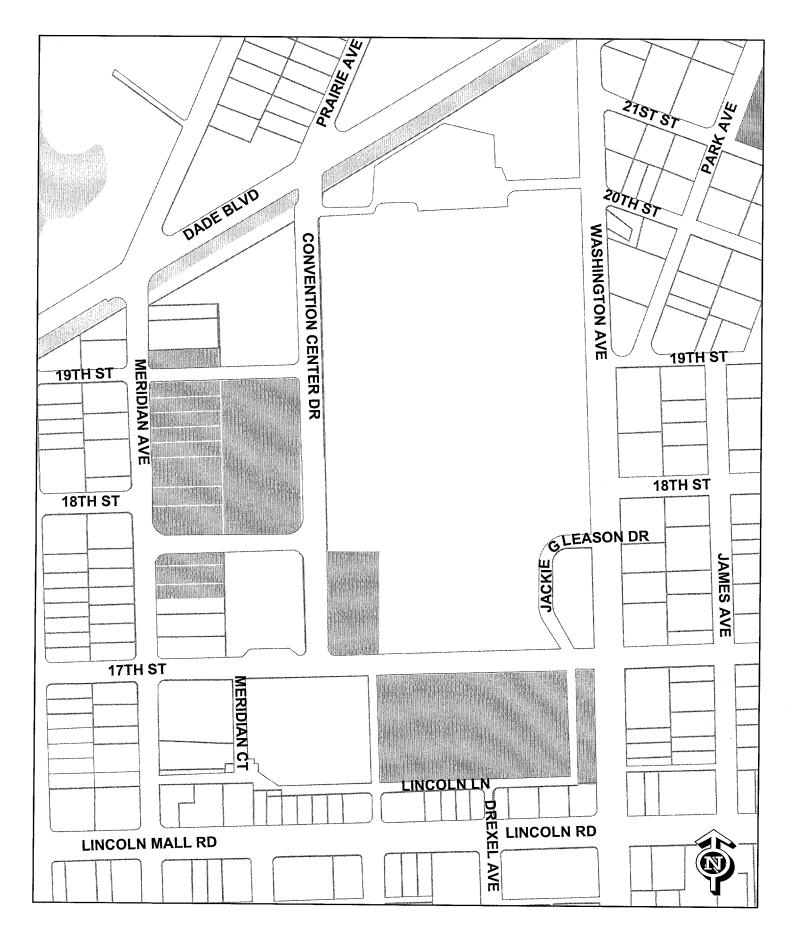
COMPOSITE EXHIBIT "A"



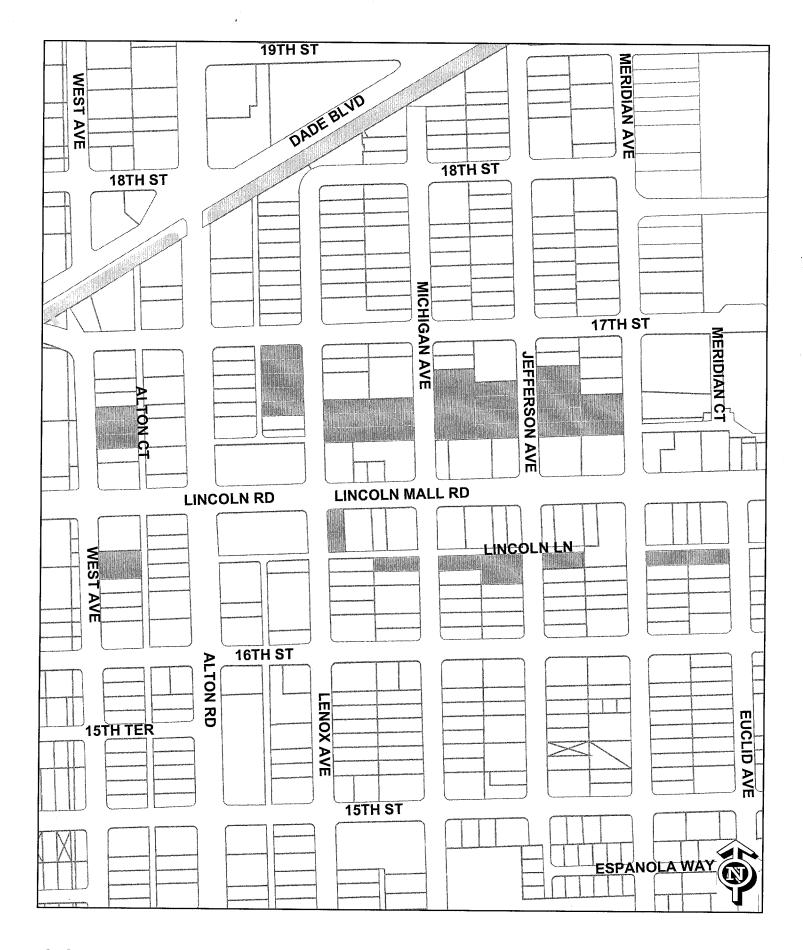
(2) Cultural Campus



(3) 72nd Street Parking Lot



(4) Convention Center Parking Lots



(5) Lincoln Road Parking Lots

CITY OF MIAMI BEACH **COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution authorizing the Mayor and City Clerk to execute a Guaranteed Maximum Price Contract with RIC-MAN International, Inc. for Design-Build Services to design and construct the Washington Avenue Improvements - Phases 2, 4, and 5 in the amount not-to-exceed \$12,104,429; and appropriating \$2,168,274.08 from the City Center TIF: \$686,211.17 from South Pointe TIF; \$1,141,570.62 from Storm Water Revenue Bonds - Series 2000. \$37,246.29 from Water and Sewer Bond - Series 2000 Interest; and \$179,985.15 from Parking Enterprise Funds to be used for Project construction costs, Contingency relating to Owner-Requested Changes, and CIP Office Project Management Fees.

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was previously developed and partially implemented. Phases 1 (sidewalk, roadway, and drainage improvements, and the planting of coconut trees from 6th to 11th Streets) and 3 (reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers from 6th to 16th Streets) have been completed. Planning for the remaining phases 2, 4, and 5 have been underway for some time. The scope consists of the following: Phase 2 - curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees from 11th to 16th Streets; Phase 4 - roadway and drainage improvements and new street lighting from 6th to 11th Streets; Phase 5 - curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping from 5th to 6th Streets, and median landscaping from 16th Street to Lincoln Road. The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. A Design Criteria Package (DCP), required by State Statute in a design / build process, was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer, and includes conceptual construction drawings and technical specifications. The City has obtained a number of required project permits. The Design Build Firm (DBF) will be responsible for the design, construction, and construction management of phases 2, 4, and 5. In addition, a new median on Lincoln Road, from Washington Avenue to James Avenue, has been identified in the DCP to obtain a price to plan, design, and permit. Once the appropriate permit(s) have been obtained, the City will negotiate a change order to implement the improvements as anticipated at both locations. However, funding for these prospective change orders is not included in this pricing.

Invitation to Bid No. 22-02/03 was issued on April 23, 2003. The City Commission authorized the Administration on October 15, 2003 to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the project. The scope of services associated with the base bid provides for the design, permitting, and construction of the referenced improvements. The Total Award Price is \$12,104,429 consisting of: \$11,800,000 for Base Bid, \$100,000 for Permit Allowance, \$25 for Consideration of Indemnification, \$134,554 for the Storm Water Pump Station at 16th Street, and \$69,850 for the Lincoln Road median. In addition \$605,221.45 is appropriated for Project Contingency relating to Owner-Requested Changes and \$419,418.46 for CIP Office Project Management Fees. The Total Estimated Project Cost is \$13,129,068.91. While the contractor was unwilling to reduce the price in negotiations, it was agreed that the contract would be a guaranteed maximum price. This provision has significant value for the project.

Item Summary/Recommendation:

The Administration recommends approval of the resolution.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:		Amount	Account	
	1	\$2,168,274.08	City Center TIF	Approved
	2	\$686,211.17	South Pointe TIF	
	3	\$1,141,570.62	Storm Water Bonds – Series 2000	
	4	\$37,246.29	Water & Sewer Bonds-Series 2000 Interest	7.4.
	5	\$179,985.15	Parking Enterprise Funds	
Finance Dept.	Total	\$4,213,287.31		

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli

Şign-Offs:

	Į	Department Director	Assistant City Manager	City Manager
1	ry V			
>	_		7	

AGENDA ITEM R7T

DATE 1-14-09

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY

OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GUARANTEED MAXIMUM PRICE CONTRACT WITH RIC-MAN INTERNATIONAL, INC., AS LOWEST AND BEST BIDDER PURSUANT TO INVITATION TO BID NO. 22-02/03, FOR DESIGN BUILD SERVICES TO DESIGN AND CONSTRUCT THE WASHINGTON AVENUE IMPROVEMENTS - PHASES 2, 4, AND 5 (THE PROJECT), IN AN AMOUNT NOT TO EXCEED \$12,104,429; AND APPROPRIATING \$2,168,274.08 FROM CITY CENTER REDEVELOPMENT AREA TAX INCREMENT **FUNDS:** \$686,211,17 FROM SOUTH REDEVELOPMENT AREA TAX INCREMENT FUNDS; \$1,141,570.62 FROM STORMWATER REVENUE BONDS - SERIES 2000; \$37,246.29 FROM WATER AND SEWER BOND - SERIES 2000 INTEREST; AND \$179,985.15 FROM PARKING ENTERPRISE FUNDS, TO BE USED FOR THE CONSTRUCTION COSTS, PROJECT CONTINGENCY RELATING TO OWNER REQUESTED CHANGES, AND CIP OFFICE PROJECT

MANAGEMENT FEES.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The construction contract is valued at \$12,104,429.00. An additional \$605,221.45 is needed for a project contingency, and an additional \$419,418.46 is needed for CIP Office project management fees. The total amount of funding needed for the construction of the project, the project contingency, and the project management fees is \$13,129,068.91.

Following is a breakdown of the funding currently available in the project budget for the above costs, and the funding to be appropriated through this agenda item, to completely fund the project.

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 2 of 9

	<u>Amount</u>		Total Per
	<u>Already</u>	Amount to be	Funding
Funding Source	Appropriated	Appropriated	Source
City Center RDA	\$218,133.80	\$2,168,274.08	\$2,386,407.88
South Pointe RDA	\$629,991.00	\$686,211.17	\$1,316,202.17
Stormwater Bonds–Series 2000	\$4,135,685.49	\$1,141,570.62	\$5,277,256.11
Water & Sewer Bonds–Series 2000	\$1,704,497.91	-	\$1,704,497.91
Fund 301	\$332,031.00	-	\$332,031.00
Resort Tax	\$283,887.40	-	\$283,887.40
Transit Tax	\$1,611,555.00	-	\$1,611,555.00
Water & Sewer Bonds – Series 2000 Interest	-	\$37,246.29	\$37,246.29
Parking Enterprise Funds	<u>-</u>	\$179,985.15	\$179,985.15
Totals	\$8,915,781.60	\$4,213,287.31	\$13,129,068.91

With regard to the stormwater funding, it is important to note that funds in the amount of \$4,135,685.49 have been appropriated and are available for use from the Stormwater Revenue Bonds – Series 2000. Additional stormwater funds totaling approximately \$2.4 million have been allocated to the West Avenue Neighborhood Right-of-Way Infrastructure Improvement project. This project is currently approximately \$4.5 million short in funding for stormwater improvements, and no stormwater improvements can be constructed until additional funding is found. The Administration recommends reallocating \$1,141,570.62 of the stormwater funding that has been allocated to the West Avenue Neighborhood project to the Washington Avenue project to complete fund the stormwater improvements included in the Washington Avenue project. This will leave the West Avenue project approximately \$5.6 million short in funding for stormwater improvements.

<u>ANALYSIS</u>

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was previously developed and partially implemented. The phases are as follows:

- Phase 1- The area from 6th to 11th Streets which consisted of sidewalk, roadway and drainage improvements, and the planting of coconut trees. This construction was completed several years ago.
- Phase 2 The area from 11th to 16th Streets which includes curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees.
- Phase 3- The area from 6th to 16th Streets which consisted of the reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers. This work was completed.

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 3 of 9

- Phase 4 The area from 6th to 11th Streets which includes roadway and drainage improvements, and new street lighting.
- Phase 5 The area from 5th to 6th Streets which includes curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping.

Planning for the remaining phases 2, 4 and 5 has been underway for some time. The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. The City's typical process begins with the City hiring an A/E firm to plan and design a project and then a construction firm to build the project. Under the design-build approach, one project consultant team with both design and construction expertise and qualifications prepares construction documents and constructs the project.

A Design Criteria Package (DCP), required by State Statute in a design / build process, for the Project was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer. The DCP includes conceptual construction drawings and technical specifications for the civil, electrical, and landscaping disciplines. The City has obtained a number of required project permits from the Miami-Dade Department of Health for water main construction, from the Miami-Dade Department of Environmental Resources Management for storm water collection and disposal, and from the State of Florida Department of Transportation for construction within the state right-of-way. Remaining construction design tasks include the revision / incorporation of the City's master Division 1 technical specifications; sanitary sewer gravity collector replacement at 6th and 8th Street; revision / modifications at the intersection of Washington Avenue and Española Way to incorporate "bump-outs"; landscaping plan revisions to the Washington Avenue median between 5th and 6th Streets and between 16th Street and Lincoln Road; and plan revisions to accommodate the City's construction sequence restrictions.

For the Washington Avenue Improvement Project, the Design Build Firm (DBF) will be responsible for the design, construction and construction management of the above noted improvements for Phases 2, 4 and 5 of the Washington Avenue Master Plan.

Invitation to Bid (ITB) No. 22-02/03 was issued on April 23, 2003. A pre-proposal conference was held on May 8, 2003 to provide information to firms interested in submitting a response. The City received responses to its Invitation to Bid No. 22-02/03 on September 16, 2003. A Selection / Evaluation Committee reviewed the qualifications of the respondents and ranked the three top firms. The City Commission authorized the Administration on October 15, 2003 to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the project.

Several meetings were subsequently held between representatives from the City of Miami Beach and RMI to review the scope of work. A summary of meetings held and topics discussed is provided below:

Date	Meeting Topic
October 15, 2003	City Commission Authorization to initiate negotiations
October 20, 2003	Scoping / Negotiation Session
October 27, 2003	Scoping / Negotiation Session
October 30, 2003	Scoping / Negotiation Session
November 4, 2003	Internal City meeting to discuss scope of work
November 6, 2003	Meeting w. City Manager to discuss status
November 10, 2003	Scoping / Negotiation Session
November 12, 2003	Meeting w. M-DDERM to review drainage permit status / requirements
November 18, 2003	Internal City meeting to discuss scope reductions / scope additions
November 19, 2003	Internal City meeting to discuss HPB requirements
November 20, 2003	Internal City meeting to discuss scope of work
December 2, 2003	Scoping / Negotiation Session
December 23, 2003	Scoping / Negotiation Session

In general, the primary focus of the negotiations focused upon the scope of services to be provided by RMI. The base bid of the project generally consists of the design, permitting and construction of the following improvements:

- water main distribution
- sanitary sewer collection
- storm water collection / disposal
- street lighting
- electrical
- curb / gutter
- sidewalk
- asphalt milling / resurfacing of the Washington Avenue corridor from 5th Street to 16th Street.

The scope of services associated with the base bid provides for the design, permitting and construction of the referenced improvements. The total base bid of the project is \$11,900,025 as presented below:

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 5 of 9

Item	Amount
RMI Base Bid	\$11,800,000
Permit Allowance	100,000
Consideration for Indemnification	25
Total Base Bid	\$11,900,025

It is important to note that the base bid also includes the necessary effort to plan, design and permit signature landscape improvements within the medians between 5th and 6th Streets and between 16th Street and Lincoln Road, the latter of which was not originally included in the Master Plan for the project. The base bid does not include the cost to construct the proposed improvements. The DBF will obtain an Order from the Historic Preservation Board for the signature median improvements. Once the Order has been obtained, the City will negotiate a change order for the implementation of the signature landscape median improvements with the DBF. Approximately \$125,000 in signature median improvements is anticipated at both locations. Therefore, a change order in the approximate amount of \$250,000 is anticipated at this time if the designed landscape improvements are to be implemented. However, funding for these prospective change orders is not included in this pricing.

An additional appropriation to construct this work will be presented to the City Commission for approval once a final, recommended, solution and price is formalized.

The ITB also requested bidders to provide prices for alternate bid items. The alternate bid items recommended for award are as follows:

Bid Item 7: Washington Avenue & 16th Street storm water pump station planning, design and permitting

The area along 16th Street and Washington Avenue experiences flooding during rainfall events. The base bid for the project does not address storm water collection and disposal facilities north of 16th Street. Properties along the Washington Avenue and 16th Street corridors are impacted due to storm water runoff ponding. A price was requested from all bidders to evaluate the area in question and provide a design to alleviate the flooding situation in the area of Washington Avenue and 16th Street. The price submitted by RMI for alternate bid item was \$134,554, and includes the necessary effort to plan, design and permit the proposed improvements. Once the appropriate permit(s) have been obtained by the RMI, the City can elect to implement the improvements with RMI after a change order has been successfully negotiated.

Bid Item 8: Lincoln Road median planning, design and permitting

An alternate bid item to obtain a price to plan, design and permit a median along Lincoln Road from Washington Avenue to Collins Avenue was identified in the DCP. This scope of work was not originally included in the Master Plan. RMI submitted a price of \$69,850 for this work. Once the appropriate permit(s) have been obtained by RMI, the City can elect to

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 6 of 9

implement the improvements with RMI after a change order has been successfully negotiated.

The Administration recommends awarding the following alternate bid items:

Item	Amount
Total Base Bid	\$11,900,025
Bid Item 7: Washington Avenue & 16 th Street storm water pump station planning, design and permitting	134,554
Bid Item 8: Lincoln Road median planning, design and permitting	69,850
Total Award Price	\$12,104,429

Future Work Activity Assignment

It has been discussed that future work activities may be assigned to RMI during the implementation of the Project. These activities include underground utility relocation to support future construction of Baylink and additional storm water collection facilities to complement the proposed storm water collections system within the future Bid Package 10A: Flamingo – Lummus South Streetscape and 10B: Lummus Streetscape projects. Sanitary sewer laterals and sanitary sewer collectors between 5th and 6th Streets and between Española Way and Lincoln Road need to be relocated so that future Baylink construction does not interfere with the existing utilities. The Flamingo - Lummus projects propose to remove existing concrete box culverts and install large diameter storm water conveyance piping throughout the Flamingo – Lummus neighborhood. It is appropriate to address these additional work activities during the implementation of the Washington Avenue Improvements Project so that the future projects are coordinated and disruptions to the community are minimized.

If the City and RMI are able to arrive at mutually agreeable costs to implement these future projects and these costs exceed the available appropriated project contingency, then the Administration will place these items on an appropriate future Commission Meeting agenda for consideration and supplemental appropriation.

Agreement Format / Schedule

Although RMI has not agreed to alter its pricing from that submitted in its formal Bid, in recent negotiations, RMI has indicated that it is amenable to enter into a Guaranteed Maximum Price Agreement with the City of Miami Beach. Award of the bid to RMI in the amount of \$12,104,429 will yield an agreement with a qualified contractor for the Washington Avenue Improvements Phases 2, 4 and 5 project with a guaranteed price. Construction of the project will be implemented over a period of eighteen (18) months with an initial construction start date projected to be 150 days from the issuance of a Notice to Proceed from the City. The construction initiation date is also dependent upon the receipt of a Historical Preservation Board Order, State of Florida Department of Environmental

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 7 of 9

Protection Well Construction permit, Miami-Dade Department of Environmental Resources Management permit and Department of Health water main construction permit. RMI is of the opinion that these permits can be obtained within ninety (90) to one hundred and fifty (150) calendar days from the Notice to Proceed date. Upon receipt of the required permits, construction will be initiated and will be completed within eighteen (18) calendar months.

In considering whether to approve the award of this contract, it should be noted that this price was secured through an open, competitive bid with pricing ranging from Ric-Man International's pricing of \$11,900,025 to upwards of \$21 million with other bidders. Staff believes that given the significant sequencing restrictions and the difficulties that will be encountered in this highly urban corridor, that the Guaranteed Maximum Price contract is a significant benefit to the City. The contract imposes substantial restrictions on the Contractor that are designed to preserve access to businesses during the construction period and to limit, to the extent possible, detrimental impacts to these businesses as well. Additionally, based on the corridor's age, the Contractor's acceptance of responsibility for all unforeseen underground conditions is also a significant benefit, as unforeseen underground conditions is a primary source of project price increases for this construction type. The original bid contemplated the City being responsible for paying for change orders related to unforeseen underground conditions.

Although RMI's bid exceeds the City's estimate by 26%, staff does not believe that there is a likelihood of receiving a significantly better price if bids are rejected and the project is rebid. Additionally, the time required to re-bid the project is estimated to be a minimum of six months. Combined with the required engineering work that is needed to construct the project and the stated desire by the businesses within the corridor to have the construction project span only one "season", a re-bidding of the project would delay the project by a minimum of 1 year. As the project planning and design began in the early to mid-1990s with a then anticipated construction completion date prior to 2000, our recommendation is to proceed with the project's lowest and best bidder.

Recommended Project Team Qualifications And Experience Summary

Ric-Man International, Inc.

Ric-Man International, Inc. is a general contractor that specializes in roadway and underground construction. They have accumulated approximately 20 years of experience working on various projects in South Florida. Founded in the Pompano Beach area in 1983, Ric-Man International, Inc. employs 90 people. The staff includes experienced graduate engineers and building construction managers with local design-build experience. Each project is staffed with an experienced project manager with a proven history of performance for the company.

PBS&J

Post, Buckley, Schuh, and Jennigan, Inc. (PBS&J) is Ric-Man's proposed engineered and design sub-consultant. PBS&J is ranked by Engineering News-Record among the nation's five largest design firms and is ranked 15th in the transportation category. The company was founded in the Miami area in 1960 and since has established presence throughout Florida. Having 25 Florida offices and encompassing 1,200 qualified professional

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 8 of 9

personnel, PBS&J brings strong resources that can be utilized to provide a successful design-build project for the City of Miami Beach.

Team Personnel (Summary)

David Mancini: Mr. Mancini will provide oversight management for the Washington Avenue Project. Mr. Mancini is the President of Ric-Man International, Inc. and has more than 27 years of experience in streetscape and underground utility projects.

Ronald Bell: As Project Manager, Mr. Bell will provide day-to-day management of the project. He will also serve as the primary point of contact with the City personnel. Mr. Bell is the Director of Operations for Ric-Man International, Inc. He is a certified General Contractor with more than 30 years of experience and expertise in estimating, scheduling, project supervision, cost analysis, and damage evaluation.

Remo Lafrate: Remo Lafrate will serve as the designated underground utility superintendent. Currently, Mr. Lafrate coordinates and supervises construction operations for Ric-Man's sanitary sewer, water mains, storm sewers, and pump stations, among other things. Mr. Lafrate's experience encompasses more than 38 years.

Patricia Carney, P.E. (PBS&J): Ms. Carney is the designated design manager. She will provide hands-on direction to the design group for this design-build project. Ms. Carney has more than 13 years experience in the design and management of major water, wastewater, and storm sewer facility projects.

Sample Projects

Hagan Ranch Road Utility and Storm Sewer Installation. (Palm Beach County) This undertaking was a \$12.8 million dollar roadway construction project involving widening of Hagen Ranch Road from West Atlantic Avenue to Boynton Beach Boulevard to a four lane road. This work also includes replacement and improvement of various utilities such as water mains, force mains, and storm sewers.

CCNIP Washington Park Bid Package No. 5 Watermain Replacement and Stormwater Sewer. (Broward County) This project was an \$8.9 million dollar neighborhood improvement project consisting of replacement of all existing water main, storm drainage, and roadway infrastructure. Additionally, the project included beautification of right-of-way areas such as sidewalk, curb and gutter, and landscaping.

NIP North Andrews Gardens Storm Drainage, Water, Sewer, Paving Improvements. (Broward County) This project was a \$5.8 million dollar neighborhood improvement consisting of replacement of all existing water mains, sanitary sewers, storm drains, swales, roadways, and sidewalks. This work was completed throughout a residential area, which required Ric-Man to maintain access to homes and streets at all times.

City Commission Memorandum Washington Avenue Improvements Phases 2, 4 and 5 January 14, 2004 Page 9 of 9

References

Additionally, the Procurement staff secured the following references for Ric-Man International, Inc.

City of Deerfield Beach
"Outstanding attention to quality"
Larry R. Deetjan, City Manager

Broward County Office of Environmental Services "Very good public relations skills, the residents like them" Pat MacGregor, Project Manager

Palm Beach County BOCC "Very good! Job went very well" Joe Tenecredi, Project Manager

Arcadia Reese Macon & Associates, Inc. "Excellent performance and resources available to get the job done right" Thomas C. Jensen, Project Manager

CONCLUSION:

The Administration recommends that the Mayor and City Commission adopt the attached resolution which authorizes the Administration to execute an Agreement with Ric-Man International, Inc. lowest and best Bidder; pursuant to Invitation to Bid (ITB) No. 22-02/03, for Design/Build Services for Washington Avenue Improvements Phases 2, 4, and 5.

JMG:PDW:RCM:TH

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RESOL	.UTION NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GUARANTEED MAXIMUM PRICE CONTRACT WITH RIC-MAN INTERNATIONAL, INC., AS THE LOWEST AND BEST BIDDER PURSUANT TO INVITATION TO BID NO. 22-02/03, FOR DESIGN **BUILD SERVICES TO DESIGN AND CONSTRUCT THE WASHINGTON** AVENUE IMPROVEMENTS - PHASES 2, 4, AND 5 (THE PROJECT), IN AN AMOUNT NOT TO EXCEED \$12,104,429; AND APPROPRIATING \$2,168,274.08 FROM CITY CENTER REDEVELOPMENT AREA TAX **INCREMENT FUNDS**; \$686,211.17 FROM SOUTH REDEVELOPMENT AREA TAX INCREMENT FUNDS; \$1,141,570.62 FROM STORMWATER REVENUE BONDS - SERIES 2000; \$37,246.29 FROM WATER & SEWER BONDS - SERIES 2000 INTEREST; AND \$179.985.15 FROM PARKING ENTERPRISE FUNDS, TO BE USED FOR THE CONSTRUCTION COSTS, PROJECT CONTINGENCY RELATING TO OWNER REQUESTED CHANGES, AND CIP OFFICE PROJECT MANAGEMENT FEES.

WHEREAS, the City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares; and

WHEREAS, a Master Plan consisting of five phases of improvements was previously developed and partially implemented; and

WHEREAS, Phases 1 (sidewalk, roadway, and drainage improvements, and the planting of coconut trees from 6th to 11th Streets) and 3 (reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers from 6th to 16th Streets) have been completed; and

WHEREAS, planning for the remaining Phases 2, 4, and 5 have been underway for some time; and

WHEREAS, the scope consists of the following: Phase 2 - curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees from 11th to 16th Streets; Phase 4 - roadway and drainage improvements and new street lighting from 6th to 11th Streets; and Phase 5 - curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping from 5th to 6th Streets, and median landscaping from 16th Street to Lincoln Road; and

WHEREAS, the City determined that a design-build approach (one project consultant team with both design and construction expertise and qualifications prepares construction documents and constructs the project) would be the best method for

expediting the completion of these remaining phases of the Project; and

WHEREAS, a Design Criteria Package (DCP), required by State Statute in a design / build process, for the Project was prepared by the City's right-of-way Improvements Program Manager, Hazen & Sawyer, and includes conceptual construction drawings and technical specifications for the civil, electrical, and landscaping disciplines; and

WHEREAS, the City has obtained a number of required project permits from the Miami-Dade Department of Health for water main construction; the Miami-Dade Department of Environmental Resources Management for storm water collection and disposal; and the State of Florida Department of Transportation for construction within the State right-of-way; and

WHEREAS, remaining construction design tasks include the revision / incorporation of the City's master Division 1 technical specifications; sanitary sewer gravity collector replacement at 6th and 8th Street; revision / modifications at the intersection of Washington Avenue and Española Way to incorporate "bump-outs"; landscaping plan revisions to the Washington Avenue median between 5th and 6th Streets and between 16th Street and Lincoln Road; and plan revisions to accommodate the City's construction sequence restrictions; and

WHEREAS, for the Washington Avenue Improvement Project, the Design Build Firm (DBF) will be responsible for the design, construction and construction management of Phases 2, 4, and 5; and

WHEREAS, Invitation to Bid No. 22-02/03 (the Bid) was issued on April 23, 2003, and a pre-proposal conference was held on May 8, 2003 to provide information to firms submitting a response; and

WHEREAS, the City received responses to the Bid on September 16, 2003, and a Selection / Evaluation Committee reviewed the qualifications of the respondents and ranked the three top firms; and

WHEREAS, the City Commission authorized the Administration, on October 15, 2003, to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the Project; and

WHEREAS, several meetings were subsequently held between representatives from the City and RMI to review the scope of work and of services to be provided; and

WHEREAS, the base bid of the Project generally consists of the design, permitting and construction of the following improvements: water main distribution; sanitary sewer collection; storm water collection / disposal; street lighting; electrical, curb / gutter; sidewalk; and asphalt milling / resurfacing of the Washington Avenue corridor, from 5th Street to 16th Street; and

- **WHEREAS**, the total base bid of the Project is \$11,900,025, consisting of \$11,800,000 for Base Bid; \$100,000 for Permit Allowance; and \$25 as consideration of Indemnification; and
- **WHEREAS**, the Bid also requested bidders to provide prices for Alternate Bid Items; and
- WHEREAS, the Administration recommends awarding the alternate bid items #7: Washington Avenue & 16th Street storm water pump station planning, design and permitting, in the amount of \$134,554, to resolve the flooding experienced in the area during rainfall events, and #8: Lincoln Road median, from Washington Avenue to Collins Avenue, for the planning, design and permitting in the amount of \$69,850; and
- **WHEREAS**, award of the Bid to RMI, in the amount of \$12,104,429, will yield an agreement with a qualified contractor for the Project with a guaranteed maximum price; and
- **WHEREAS**, the Total Award Price is \$12,104,429, consisting of: \$11,900,025 for Total Base Bid, \$134,554 for the Storm Water Pump Station at 16th Street; and \$69,850 for the Lincoln Road median; and
- WHEREAS, in addition, \$605,221.45 is requested to be appropriated for Project Contingency relating to Owner-Requested Changes, and \$419,418.46 for CIP Office Project Management Fees; and
- WHEREAS, construction of the Project will be implemented over a period of eighteen (18) months, with an initial construction start date projected to be 150 days from the issuance of a Notice to Proceed from the City; and
- WHEREAS, the contract imposes substantial restriction on the Contractor that are designed to preserve access to businesses during the construction period and to limit to the extent possible detrimental impacts to proximate businesses as well; and
- **WHEREAS**, although RMI's bid exceeds the City's estimate by 26%, staff does not believe that there is a likelihood of receiving a significantly better price if bids are rejected and the Project is re-bid; and
- WHEREAS, the time required to re-bid the Project is estimated to be a minimum of six months; combined with the required engineering work that is needed to construct the Project and the stated desire by the businesses within the corridor to have the construction project span only one "season", a re-bidding of the Project would delay the Project by a minimum of 1 year; and
- WHEREAS, as the Project planning and design began in the early to mid- nineties, with a then anticipated construction completion date prior to 2000, the Administration's recommendation is to proceed with the Project's lowest and best bidder, Ric-Man International, Inc..

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission approve and authorize the Mayor and the City Clerk to execute a Guaranteed Maximum Price Contract with RIC-MAN International, Inc., as the lowest and best bidder pursuant to Invitation to Bid No. 22-02/03, for Design-Build Services to design and construct the Washington Avenue Improvements – Phases 2, 4 and 5 (the Project), in the amount not-to-exceed \$12,104,429; and appropriate \$2,168,274.08 from the City Center Redevelopment Area Tax Increment Fund; \$686,211.17 from South Pointe Redevelopment Area Tax Increment Fund; \$1,141,570.62 from Storm Water Revenue Bonds – Series 2000. \$37,246.29 from Water & Sewer Bond – Series 2000 Interest; and \$179,985.15 from Parking Enterprise Funds to be used for Project construction costs, Contingency relating to Owner-Requested Changes, and CIP Office Project Management Fees.

PASSED and ADOPTED this 14thday of January, 2004.

ATTEST:		
CITY CLERK	MAYOR	

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

Attorney D

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Co	nd	le	ns	ed	T	itl	e.

Award the contract to Widell Inc. for re-procurement of Water and Waste Water Pump Stations Upgrades in the Amount of \$17,352,615; authorize additional services to CDM for related Construction Administration services; and further re-affirming all previous authority granted by the City Commission to the City Manager, or designee, in taking appropriate actions regarding administration of both the Felix Equities, Inc. and United States Fidelity and Guaranty Company contracts with the City.

Issue:

Should the City Commission Award the Contract to Widell, Inc. and Additional Services to CDM?

Item Summary/Recommendation:

On February 1999, Resolution 99-23061 awarded a \$17,692,568.00 contract to Felix Equities, Inc. (FEI) pursuant to Invitation to Bid No. 99-97/98 for the Water and Waste Water Pump Station Upgrades. On June 18, 2002, the Administration certified FEI in Default. On July 10, 2002, the Mayor and City Commission adopted Resolution 2002-24924, which declared an emergency situation and waived the formal competitive bidding requirements for the project. Linc Net, the parent company of FEI, filed for bankruptcy and an automatic stay was placed on the FEI contract. This action precluded the City from implementing any action regarding FEI and FEI's contract without Bankruptcy Court approval. At approximately the same time, FEI and its surety company, United States Fidelity and Guaranty Company (USF&G), requested a meeting with the City to discuss potential settlement options. These initial discussions did not produce a settlement that met the interests of all parties. Therefore, the City invoked the Performance Bond on the project provided by USF&G in August 2002. USF&G declined to honor its Performance Bond based on the bankruptcy of FEI. Subsequent demands and settlement discussions continued throughout the balance of 2002 and into 2003. To date, the City Administration and City Attorney have been unable to negotiate an acceptable settlement and many of these issues have become a source of current litigation. Due to the continued deterioration of the pump stations, the City Administration decided in late 2002 that it was not in the City's interest to continue to wait for the conclusion of the FEI/Surety issues noted above before continuing the project. Therefore, the Administration decided to complete the previously approved informal bid process to secure a replacement contractor. The CIP Office, together with the Procurement Department, conducted a selective re-bid for the project in 2003 with a deadline of June 10, 2003, to receive bid proposals for the re-procurement. Widell, Inc. was the only respondent deemed qualified and responsive and presented an initial bid proposal in the amount of \$20,970,000, which was later negotiated, with the assistance of Camp Dresser and McKee, the City's consultant on the project, and which resulted in a final bid proposal in the amount of \$17,352,615. The work includes the completion of a major renovation to twelve (12) dry pit waste water pump stations, four (4) water pump stations, six (6) electrical/generator Buildings, a new system-wide process instrumentation and control system, and the replacement of eleven (11) submersible waste water pump stations. At this time the conditions of some of the Pump Stations are in emergency status; the equipment installations that FEI was providing was never completed and the Pump Stations are still working with extremely outdated and damaged equipment installed almost 30 years ago.

Advisory Board Recommendation: N/A

Financial Information:

Source of	Amount Account Approved
Funds:	
Finance Dept.	Total

City Clerk's Office Legislative Tracking:

JECh

Sign-	Offs:	•	
\	Department Director	Assistant City Manage	er City Manager
W		186	12
T:\Age	NDA\2004\Jan1404\Regular\pur	np stations cover.doc	

AGENDA ITEM RTT
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Subject:

Jorge M. Gonzalez

City Manager

Water and Waste Water Pump Stations Upgrades Project.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF A CONTRACT TO THE FIRM OF WIDELL, INC., IN THE AMOUNT OF \$17,352,615, FOR COMPLETION OF THE WATER AND WASTE WATER PUMP STATION UPGRADES PROJECT (BID NO. 99-97/98), PURSUANT TO THE ACTION(S) DELEGATED TO THE CITY MANAGER AND/OR HIS DESIGNEE PURSUANT TO RESOLUTION NO. 2002-24924; AND FURTHER RATIFYING RESOLUTION NO. 2002-24924, AND HEREIN REAFFIRMING THE ACTIONS TAKEN BY THE CITY MANAGER AND/OR HIS DESIGNEE PURSUANT THERETO AS PROPERLY WITHIN THE CITY MANAGER'S AUTHORITY, AS DELEGATED PURSUANT RESOLUTION NO. 2002-24924, INCLUDING BUT NOT LIMITED TO SUBSEQUENT ACTIONS TAKEN REGARDING THE CITY'S CONTRACT WITH FEI AND THE SURETY, UNITED STATES FIDELITY AND GUARANTY COMPANY, INCLUDING, BUT NOT LIMITED TO DEFAULT ACTIONS; INVOKING OF PERFORMANCE BONDS; SELECTION OF THE REPLACEMENT CONTRACTOR, WIDELL, INC.; AND ANY OTHER SIMILAR OR RELATED ACTIONS.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING AN AMENDMENT TO THE AGREEMENT WITH CAMP, DRESSER AND MCKEE (CDM) TO PROVIDE ENGINEERING SERVICES FOR UPGRADING WATER AND SEWER PUMPING STATIONS: SAID AMENDMENT **PROVIDING** CONSTRUCTION ADMINISTRATION AND FIELD OVERSIGHT SERVICES FOR THE WATER AND WASTE WATER PUMP STATIONS UPGRADES PROJECT IN AN AMOUNT NOT TO EXCEED \$500.000.

ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

FUNDING

Funding has been appropriated and is available from the existing Standing Order for Felix Equities, Inc. (FEI), in the amount of \$11,107,245.95. Additional funds from Water &

City Commission Memorandum Water and Wastewater Pump Station Upgrade Contractor Re-Procurement January 14, 2004 Page 2 of 6

Sewer Bond – Series I (Fund 426) allocated to the Water and Wastewater Pump Station Upgrades Project in the amount of \$2,552,647.88 have also previously been appropriated and are available for use on the project.

Funding in the amount of \$4,862,562.00 has been appropriated for use on the South Pointe Wastewater Master Booster Pump Station project, which is in the design phase. With the approval of this item, this funding will be reallocated to the Water and Wastewater Pump Station Upgrades Project. The South Pointe Wastewater Master Booster Pump Station project will be funded by South Pointe Redevelopment Agency (RDA) Tax Increment Funds (TIF).

Additional funding in the amounts of \$1,203,063.00 and \$15,893.71 are available from the City Center and South Pointe RDA TIF and are being appropriated through the adoption of a resolution of the Redevelopment Agency elsewhere on this agenda.

The sum of these amounts, \$19,741,412.54, will fully fund the Construction contract with Widell (\$17,352,615.00), Additional Services for Construction Administration and Field Observation for CDM (not to exceed \$500,000.00), additional CIP Office project management fees (\$158,455.11), and a project contingency (\$1,730,342.43).

ANALYSIS

On February 1999, Resolution 99-23061 awarded a \$17,692,568.00 contract to Felix Equities, Inc. (FEI) pursuant to Bid No.99-97/98 for the Water and Waste Water Pump Station Upgrades in the City of Miami Beach.

Since the commencement of construction, several delays related to coordination of unforeseen conditions, omissions and deletions occurred.

On May 21, 2001, the Contractor (FEI) submitted a Request for Equitable Adjustment (REA) to the City's consulting engineer Camp Dresser & McKee, Inc. (CDM) for approximately \$1.7 million, representing increased costs the Contractor attributed to delays associated with the issues referenced above. Repeated City requests for FEI to submit specific documentation to support the REA were not provided in sufficient detail to allow a thorough analysis by CDM or City staff. Without this information, the City could not evaluate the Contractor's REA.

On November 28, 2001, as a result of staff concerns, a Letter to Commission (LTC) was provided to the City Commission advising that the conditions described above had contributed to time delays and additional costs.

The City's Project team actively addressed alternatives to encourage FEI to proceed with construction without further delays, including discussions to set out a plan to resolve outstanding claims issues, and to persuade FEI to immediately bring the major subcontractors back to work, produce a realistic recovery schedule to advance the project's

City Commission Memorandum Water and Wastewater Pump Station Upgrade Contractor Re-Procurement January 14, 2004 Page 3 of 6

critical path, and to provide sufficient skilled labor and equipment to prosecute the work in a timely manner. The City Administration, as a measure of good faith, did offer additional time and money to resolve the outstanding REA for those areas that it felt could be supported by the information it had. Unfortunately, these discussions did not yield positive results.

For several months FEI continued to fall seriously behind schedule and did not appear to have a plan of action to correct the situation. The ever-dwindling level of manpower assigned to the project mirrored the lack of progress. Several of FEI's subcontractors on the project notified the City of FEI's failure to pay them and that they had therefore stopped work and/or refused to provide FEI with release of lien letters.

In this phase of the contract the critical path ran through the electrical and mechanical subcontractors. The electrical subcontractor for several months severely reduced the number of their employees on site to well below what was needed to make effective progress. The mechanical contractor apparently left the project entirely. Both the electrical and mechanical subcontractors indicated that their lack of responsiveness on the project was due to non-payment by FEI. Because of the lack of progress of the two major subcontractors the critical path did not advance for nearly four months. At that manpower level, extensive additional delays were anticipated which contributed to inexcusable delays in the contract time. The lack of adequate manpower to advance the project resulted in the effective abandonment of the project by FEI.

FEI did, however, file a second Request for Equitable Adjustment in the amount of \$1.4 million in May 2002. The second REA brought the total REA claim by FEI to \$3.1 million. Similar to the first REA, this second REA did not include sufficient detail to support the Contractor's request for additional dollars.

As FEI continued in its failure to properly staff the job, the City Administration, on June 7, 2002, sent Felix Equities a Notice of Default due to the lack of progress in the project and provided FEI 10 days to correct the lack of progress issues. Upon FEI's failure to properly remedy its lack of progress, the City Administration certified FEI in default on June 18, 2002. Subsequently, on July 10, 2002, and pursuant to Article 8.8 of the City's contract with FEI, the Administration recommended that the City Commission remove the prosecution of work from the hands of FEI and authorize the City Manager, or designee, to prosecute the remainder of the work. Pursuant to Article 8.8, any remaining funds in the contract would be returned to the contractor, or if the remaining funds are insufficient, the contractor, after completion of the work, would be required to pay the City the cost overrun. This action was consistent with the contract requirements. The City Commission approved this request on that date through Resolution 2002-24924.

Resolution 2002-24924 declared an emergency situation and waived formal competitive bidding requirements for the project, providing the City Manager the necessary tools to procure a new Contractor which could successfully complete the project. Although, for the above reasons, the Administration recommended a waiver of competitive bid requirements, the Administration did follow a modified bid process in choosing a replacement contractor.

City Commission Memorandum Water and Wastewater Pump Station Upgrade Contractor Re-Procurement January 14, 2004 Page 4 of 6

The City requested proposals from three replacement contractors, some who had done business with the City previously and some who were recommended by the designer as providing superior work on previous projects. The emphasis on the selection of a replacement contractor was on qualifications. The City wanted to contract with a contractor who specializes in this type of work and one that could demonstrate a track record of success. It was also preferable to have a contractor that has stepped in and completed contracts as a replacement contractor in the past.

On July 9, 2002, the day before the City Commission action noted above, Linc Net, the parent company of FEI, filed for bankruptcy and an automatic stay was placed on the FEI contract. This action precluded the City from implementing any action regarding FEI and FEI's contract without Bankruptcy Court approval. At approximately the same time, FEI and its surety company, United States Fidelity and Guaranty Company (USF&G), requested a meeting with the City to discuss potential settlement options. These initial discussions did not produce a settlement that met the interests of all parties. Therefore, the City invoked the Performance Bond on the project provided by USF&G in August 2002. USF&G declined to honor its Performance Bond based on the bankruptcy of FEI. Subsequent demands and settlement discussions continued throughout the balance of 2002 and into 2003.

To date, the City Administration and City Attorney have been unable to negotiate an acceptable settlement and many of these issues have become a source of current litigation. As a side note, and due to one of the issues raised by FEI and USF&G, the Commission Resolution accompanying this Commission Memo requests that the City Commission re-affirm that the City Manager and/or designee had authority to act regarding all provisions of the City's contracts with both entities, including default actions, invoking of performance bonds, and any similar or related actions.

Due to the continued deterioration of the pump stations, the City Administration decided in late 2002 that it was not in the City's interest to continue to wait for the conclusion of the FEI/Surety issues noted above before continuing the project. Therefore, the Administration decided to complete the previously approved informal bid process to secure a replacement contractor.

On June 10th, 2003, the deadline for bids pursuant to Invitation to Bid No. 10-02/03, were received at the Procurement Department. Only one contractor, who was deemed qualified and responsive, submitted an initial bid proposal and the City decided to proceed with negotiations. The initial bid by Widell, Inc. was in the amount of \$20,970,000.

The City entered into long and very detailed negotiations with Widell. CIP staff and CDM as well as personnel from Widell evaluated every item in the bid proposal, reviewed carefully the established scope, and reviewed the documents submitted for bid, etc., and in the end agreed upon a final cost to complete the project of \$17,352,615. Work will include furnishing and installing all necessary materials, equipment, supplies and associated work including labor, excavation, etc. to complete the major renovation of twelve (12) dry pit waste water pump stations, four (4) water pump stations, six (6) electrical/generator

City Commission Memorandum Water and Wastewater Pump Station Upgrade Contractor Re-Procurement January 14, 2004 Page 5 of 6

buildings, a new system-wide process instrumentation and control system, and the replacement of eleven (11) submersible waste water pump stations.

The City and CDM feel that Widell's price is reasonable at this time. Not only has the price gone up since 1999 when the project was originally bid, due to time and escalation, but also that original price from FEI has now been determined to be, by the Program Manager and the City, most probably lower than what it should have been at that time. The original Engineer's estimate of probable cost was \$20,992,900, but after discussions with FEI and evaluation of FEI's qualifications and references, they assured the City and CDM that their price was accurate and that they could perform the work for the amount quoted. Based on FEI's ultimate financial disposition, this assertion by FEI appears to have been proven wrong.

There will also be additional services for CDM to complete the Construction Administration and Field Oversight, in an estimated amount of \$500,000. The proposal the City received from CDM is higher than this amount, but the City and CDM have not yet begun negotiations regarding the scope and amount of the fee. If the City cannot negotiate a fee of \$500,000 or less, an item may be brought to the Commission at a later date for additional funds. By amending the contract amount now, continuity of services is guaranteed so construction can begin without having fully negotiated the final amount.

Similarly, the City must provide a new contingency on the project, in the amount of \$1,730,342.43. Finally, there will be additional project management fees for the CIP Office in the amount of \$158,455.11. A total of \$19,741,412.54 is needed to complete the project.

Item	Amount
Widel Negotiated Bid Amount	\$17,352,615.00
Contingency for Project	1,730,342.43
Construction Administration and Field Oversight	500,000.00
CIP Office Management Fees	158,455.11
Total Project Costs	\$19,741,412.54

The original contract value with FEI was \$17,692,568.00. Payments were made to FEI for the work performed prior to the abandonment of the project. The City had to maintain the project site and materials once FEI was removed from the project until a new contractor could assume responsibility for the site and materials. A balance of \$11,107,245.95 remains from the original FEI contract value for use to procure a new contractor.

Additional funds from Water & Sewer Bond – Series I (Fund 426) allocated to the Water and Wastewater Pump Station Upgrades Project in the amount of \$2,552,647.88 have also previously been appropriated and are available for use on the project.

City Commission Memorandum Water and Wastewater Pump Station Upgrade Contractor Re-Procurement January 14, 2004 Page 6 of 6

Funding in the amount of \$4,862,562.00 from the Water & Sewer Bond – Series I (Fund 426) has been appropriated for use on the South Pointe Wastewater Master Booster Pump Station project, which is in the design phase. With the approval of this item, this funding will be reallocated to the Water and Wastewater Pump Station Upgrades Project. The South Pointe Wastewater Master Booster Pump Station project will be funded by South Pointe Redevelopment Agency (RDA) Tax Increment Funds (TIF).

Additional funding in the amounts of \$1,173,063.00 and \$15,393.71 are available from the City Center and South Pointe RDA TIF and are being appropriated through the adoption of a resolution of the Redevelopment Agency elsewhere on this agenda. The following table demonstrates the funds being recommended for use to fully fund this project.

Funding Source	Amount
Balance from FEI Contract	\$11,107,245.95
Water & Sewer Bond – Series I (Fund 426)	2,552,647.88
Water & Sewer Bond — Series I (Fund 426) (from South Pointe Wastewater Master Booster Pump Station)	4,862,562.00
City Center RDA TIF	1,203,063.00
South Pointe RDA TIF	15,893.71
Total Funding	\$19,741,412.54

CONCLUSION

At this time the conditions of some of the Pump Stations are in emergency status; the equipment installations that FEI was providing was never completed and the Pump Stations are still working with extremely outdated and damaged equipment installed almost 30 years ago. The City is required to act at once and proceed with the upgrades to provide the citizens with a system comparable with the progress of the City of Miami Beach.

Therefore, the Administration recommends approval of the Widell, Inc. final negotiated bid proposal, in the amount of \$17,352,615; the award of a construction contract to Widell, Inc. for the Water and Waste Water Pump Stations Upgrade project; awarding additional services to CDM in an amount not to exceed \$500,000 for Construction Administration and Field Oversight services, and the requisite appropriation of funds to fully fund the project.

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RESOLUTION TO BE SUBMITTED

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R7 - Resolutions

R7K A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.

(City Manager's Office)

(Memorandum & Resolution to be Submitted in Supplemental)

AGENDA ITEM RTK DATE 1-14-04

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



Date: January 14, 2004

OFFICE OF THE CITY CLERK

CITY HALL 1700 CONVENTION CENTER DRIVE TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

BOARD OR COMMITTEE: TOT	ALMBRS.	APPOINTED BY: TOTAL	VAC.	PAGE
Art in Public Places	7	City Commission	4	
	•			Page 1
Barrier Free Environment Committee	13	Commissioner Jose Smith	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Simon Cruz	1	Page 3
			-	1 10
Beach Preservation Board	10	Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Saul Gross	1	Page 4
				•

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DATE	1-14-04

BOARD OR COMMITTEE: TO	IAL MBRS	APPOINTED BY: TOTAL	. VAC	. PAG
Beautification Committee	8	Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	Page 5
		Commissioner Richard L. Steinberg	1	. ugo c
		Commissioner Saul Gross	1	
Board of Adjustment	7	City Commission	7	-
				Page 6
Budget Advisory Committee	9	City Commission	1	
5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	J	Commissioner Saul Gross	1	
				Page 7
Committee for Quality Education in MB	18	Commissioner Jose Smith	1	
AID.		Commissioner Matti H. Bower	1	Page 8
		Commissioner Richard L. Steinberg	1	-
Committee on the Homeless	9	Commissioner Matti H. Bower	1	
		Mayor David Dermer	2	
				Page 9
Community Development Advisory	14	Commissioner Jose Smith	1	
Committee		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Richard L. Steinberg	2	Page 10
		Mayor David Dermer	1	
		Mayor David Dermer	1	

AGENDA ITEM	
DATE	

BOARD OR COMMITTEE: TO	TAL MBRS.	APPOINTED BY: TOTAL	.VAC	. PAGE
Community Relations Board	17	Commissioner Matti Herrera Bower	1	
		Commissioner Richard L. Steinberg	1	Page 11
		Jorge M. Gonzalez, City Manager	1	rage II
		Mayor David Dermer	1	
Convention Center Advisory Board	7	Commissioner Jose Smith	1	-
		Mayor David Dermer	1	Page 13
Convention Center Capital Projects	7	Commissioner Jose Smith	1	
Oversight Com.		Commissioner Luis R. Garcia, Jr.	1	Page 14
		Commissioner Richard L. Steinberg	1	rage 14
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	
Debarment Committee	7	Commissioner Matti H. Bower	1	
		Commissioner Saul Gross	1	Page 15
		Commissioner Simon Cruz	1	rage 13
Design Review Board	7	City Commission	4	
				Page 16
Fine Arts Board	14	Commissioner Jose Smith		
		Commissioner Luis R. Garcia, Jr.	2	
		Commissioner Matti H. Bower	1	Page 18
		Commissioner Richard L. Steinberg	2	
		Commissioner Saul Gross	2	
		Mayor David Dermer	2	

AGENDA ITEM	
DATE	

	4 /	TOAITOILO	
BOARD OR COMMITTEE: TO	OTAL MBRS	S. APPOINTED BY: TOTAL	.VAC. PAGE
Golf Advisory Committee	12	Commissioner Jose Smith Mayor David Dermer	1 1 Page 20
Health Advisory Committee	11	City Commission	6 Page 21
Health Facilities Authority Board	6	City Commission	1 Page 22
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr. Commissioner Matti H. Bower Commissioner Richard L. Steinberg	1 1 Page 23
Historic Preservation Board	7	City Commission	3 Page 24
Housing Authority	5	Mayor David Dermer	1 Page 26
		AGENDA ITEM	

BOARD OR COMMITTEE: TO	TAL MBRS	. APPOINTED BY: TOTAL	. VAC	. PAGE
Loan Review Committee	7	Commissioner Matti Herrera Bower Commissioner Richard L. Steinberg Commissioner Simon Cruz Mayor David Dermer	1 1 1	Page 27
Marine Authority	7	Commissioner Luis R. Garcia, Jr. Commissioner Simon Cruz Mayor David Dermer	1 1 1	Page 28
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr. Commissioner Matti H. Bower Commissioner Richard L. Steinberg Commissioner Saul Gross	2 2 3 1	Page 29
Miami Beach Cultural Arts Council	9	City Commission	6	Page 30
Miami Beach Florida Sister Cities	22	Mayor David Dermer	10	Page 32
Normandy Shores Local Gov. Neighborhood Impv.	3	City Commission	3	Page 33
Oversight Committee for General Obligation Bond	13	City Commission	3	Page 34

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DATE	

BOARD OR COMMITTEE: TOT	AL MBRS.	APPOINTED BY: TOTAL	.VAC	PAGE
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	
board		Commissioner Richard L. Steinberg	1	Page 35
		Commissioner Saul Gross	1,	
Personnel Board	10	City Commission	6	
				Page 36
Planning Board	9	City Commission	4	
				Page 37
Police Citizens Relations Committee	17	Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	
		Commissioner Matti Herrera Bower	1	Page 39
		Mayor David Dermer	1	
Production Industry Council	7	Commissioner Jose Smith	1	
		Commissioner Matti H. Bower	1	Page 41
Public Safety Advisory Committee	7	Commissioner Jose Smith	1	·····
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	Page 42
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	
Safety Committee	14	Commissioner Jose Smith	1	
		Commissioner Matti H. Bower	2	D 40
		Commissioner Richard L. Steinberg	2	Page 43
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	

AGENDA ITEM	
DATE	

BOARD OR COMMITTEE: TO	OTAL MBRS	. APPOINTED BY: TOTAL	VAC.	PAGE
Transportation and Parking Committee	19	Commissioner Luis R. Garcia, Jr. Commissioner Richard L. Steinberg	1 1 1	Page 44
Visitor and Convention Authority	7	City Commission	4	Page 46
Youth Center Advisory Board	10	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr. Commissioner Matti Herrera Bower Commissioner Saul Gross Commissioner Simon Cruz	1 1 1 1	Page 47

Attached is breakdown by Commissioner or City Commission:

JMG:REP/lg

City Commission Committees

Finance & Citywide Projects Committee

Member

Commissioner Matti Herrera Bower

Member

Commissioner Jose Smith

Member

Commissioner Richard Steinberg

Alternate

Commissioner Simon Cruz

Committee Liaison Patricia Walker

Land Use and Development Committee

Member

Commissioner Matti Herrera Bower

Member

Commissioner Luis R. Garcia, Jr.

Member

Commissioner Saul Gross

Alternate

Commissioner Jose Smith

Committee Liaison Jorge Gomez

Neighborhood/Community Affairs Committee

Member

Commissioner Matti Herrera Bower

Member

Commissioner Simon Cruz

Member

Commissioner Richard Steinberg

Alternate

Commissioner Luis R. Garcia, Jr.

Committee Liaison Vivian Guzman

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Jose Smith

Metropolitan Planning Organization

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities

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er CEWED

CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION **MEMORANDUM**

TO:

JORGE GONZALEZ

CITY MANAGER

FROM:

RICHARD STEINBERG PLS/SM COMMISSIONES

DATE:

November 10, 2003

RE:

Agenda Item-Board of Adjustment Nomination

Please place on the November 25th Commission agenda an item nominating Mr. Michael Gongorra to the Board of Adjustment.

If you have any questions or comments, please feel free to contact my Aide, Ms. Dolores Mejia at ext. 6834.

RLS/dm

Agenda Item Date 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Date: January 14, 2004

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

MIAMI BEACH CULTURAL ARTS COUNCIL VACANCIES

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission fill the six vacancies on the Cultural Arts Council (Council).

ANALYSIS

On December 31, 2003, six seats on the Council became vacant. Adhering to the guidelines set forth in the Ordinance establishing the Council, the Council met on December 19 to review and select applications submitted to the City Clerk's Office. The Council voted to recommend 17 candidates.

The Council sought input from the community in developing a slate of prospective Council members with interest and expertise in arts/entertainment, marketing, public relations, banking, legal counsel, real estate development and hotels. The Administration recommends that the City Commission review the list of names submitted by the Nominating Committee (Attachment A) and fill the six vacant seats.

It should be noted as the Council is tasked with providing only three names per each vacancy, the Nominating Committee revised their recommendations as new candidates were identified and voted upon by the full Cultural Arts Council. Thereby the list that is attached represents the final list of nominees, but does not include all names previously submitted in prior LTC's due to the aforementioned process.

Pursuant to Section 2-55(d) of Ordinance No. 97-3075, as amended, establishing the Miami Beach Cultural Arts Council (Council) "vacancies on the Council shall be filled by the Mayor and City Commission. In filling any vacancy, the Mayor and City Commission may select a replacement Council member from a list of three (3) candidates which shall be submitted by the remaining members of the Council." Further, "the individual members of the City Commission may supplement the Council's suggested list with additional names of candidates or, if neither the candidates on the Council's suggested list nor the additional names submitted by the individual members of the City Commission are approved, the Council shall submit an entirely different list" for consideration.

JMG:CMC:DS:MAS

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Agenda Item 19942

Date 1-14-04

Attachment A Recommended Nominees for Cultural Arts Council

Applicant	Title/Organization	Category
Arriola, Ricky	President/CEO, Inktel Direct Corporation	Marketing
Brandt, Pamela Robin	Journalist & Musician	Arts/Entertainment
Brustman, Susan	President, Susan Brustman & Assoicates	Public Relations
Cader-Frech, Mario	Minister, Cultural Affairs, Embassy of El Salvador	Marketing
Carlin, Adam	Smith-Barney	Banking
Chase, Barry O.	Principal Attorney, Law Office of Barry Oliver Chase, P.A.	Legal Counsel
Eaglstein, Janet	N/A	Banking
Glazer, Todd	Real Estate Developer, Self-employed	Real Estate Development
Genet, Solomon B.	Attorney, Kozyak Tropin & Throckmorton	Legal Counsel
Lipsky, Jacqueline R.	Art Consultant	Arts/Entertainment
Randolph, Alan	Senior Vice President, Business Development, Mellon United National Bank	Banking
Richard, Alfredo	Senior VP, Communications, Claxson Interactive Group	Marketing
Saks, Gordon	Retired, Founder of Alpine Fine Arts Publishers	Arts/Entertainment
Schmitt, Tom V.	Private Conservator, Florida Conservation Studio	Arts/Entertainment
Tamis, Mark	General Manager, Delano Hotel	Hotelier
Weiss, Merle	Community Arts Activist	Arts/Entertainment
Welstead, Christine	Attorney, Akerman Senterfitt	Legal Counsel

CITY OF MIAMI BEACH Office of the City Manager Letter to Commission No. 002-2004



To:

Mayor David Dermer and

Members of the City Commission

Date: January 7, 2004

From:

Jorge M. Gonzalez

City Manager

1-8

Subject:

RECOMMENDATION OF APPOINTMENTS TO THE PERSONNEL BOARD

The administration would like to recommend Diane L. Downs and Amy Perry for appointment to the Personnel Board

Currently the Personnel Board has three (3) vacant positions, and the administration recommends filling the positions to ensure meeting quorum.

Diane L. Downs has the following skills, abilities, and accomplishments:

- CEO of SoftLogic LLC
- Served for five years as an officer at Harvard University
- Has business experience in commercial film production
- Has done international consulting
- Has been volunteering for the Art Deco Festival of 6 years winning the "Tour Guide of the Year Award" last March 2003
- Volunteer at the garden docent at the Miami Beach Conservancy
- Member of the Fairchild Tropical Garden and of the Miami Art Museum
- Part of the All-America City Team
- Graduate from the second Neighborhood Leadership Academy
- Graduate of the nineteenth Citizen's Police Academy
- Pillar trustee of the Miami Beach Convention Center
- B.S. in Mathematics with a Minor in Art
- Ed. M. in Consulting Psychology

Amy Perry has the following skills, abilities, and accomplishments:

- Joined Mount Sinai Medical Center in 1993.
- Appointed Vice-President Mount Sinai Medical Center in 1996
- Served as an independent international market consultant
- Served as Vice-President/Project manager for Bruce M. Goldstein & Associates
- Construction coordination for Kensington Properties

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- Bachelor's degree in Communications
- Masters in Health Services Administration
- Adjunct professor at Barry University

Attached you will find Diane L. Downs', and Amy Perry's resumes and their applications for appointment to the Personnel Board.

JMG\TCA\lg MB

cc: Bob Parcher, City Clerk

08:29AM

CITY OF MIAMI BEACH BOARDS AND COMMITTEE APPLICATION FORM

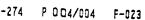
Pursuant to City Code section 2-22(4) a and b: Members of agencies, boards, and committees shall be affiliated with the city; this requirement shall be fulfilled in the following ways: a) an individual shall have been a resident of the city for a minimum of six months; or b) an individual shall demonstrate ownership/interest for a minimum of six months in a business established in the city.

Resident of Miami Beach for a minimum of six (6) months: Yes (X) or No []

Demonstrate an ownership/interest in a business in Miami Beach for a minimum of six (6) months: Yes (3) or No [] I am applying for a Board appointment because I have special abilities, knowledge, experience: Yes (3) My special abilities, knowledge, or experience is: Operation S Are you a registered voter in Miami Beach: Yes (3) or No [] NAME: Perry Last Name First Name First Name Middle Initial Home Address: No. Street City State Zip Code Phone: 305.868.2292 305.674.2520 Middle Beach (3) Fax Email address Amy perry (3) I am now a resident of: North Beach [] South Beach [] Middle Beach (3)			
Are you a registered voter in Miaml Beach: Yes(X) or No [] NAME: Pevry Last Name Home 5/33 N. Bay Rond Miami Beach First Name Middle Initial FL 33/40 State Zip Code Phone: 305.868.2292 305.674.2520 305.674.2007 Home Work Fax Email address			
NAME: Pevry Last Name Home 5/33 N. Bay Rord Miami Beach FL 33/40 State Zip Code Phone: 305.868.2292 305.674.2520 305.674.2007 Home Work Fax Email address			
Last Name			
Home 5133 N. Bay Rord Miami Beach FL 33140 Address: No. Street City State Zip Code Phone: 305.868.2292 305.674.2520 305.674.2007 Home Work Fax Email address			
Phone: 305.868.2292 305.674.2520 305.674.2007 Home Work Fax Email address			
Phone: 305.868.2292 305.674.2520 305.674.2007 Home Work Fax Email address			
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Tama and a seldent of Morth Boach [1 South Boach [1 Middle Reach [1]			
Business Name: MOUNT SINAY Applicant's Position: SR.V.P. and C.O.O.			
Was areal pack MIAMI REDE 4 FL 33,140			
Address: No. Street City State Zip Code			
[] Owner [] Stockholder/Shareholder [/X] orporate Officer [] Other Explain:			
Professional License (describe): Expires:			
Professional License (describe): Expires: Expires:			
1. Have you ever been convicted of a felony: Yes [] or No [XI] if yes, please explain in detail:			
1. Have you ever been convicted of a felony: res [] or No. [XIII yes, please explain in detail.			
2. Do you currently have a violation(s) of City of Miami Beach codes: Yes [] or No [1]. If yes, please explain in detail:			
3. Do you currently owe the City of Miami Beach any money: Yes [] or No [X] If yes, explain in detail:			
4. Are you currently serving on any City Boards or Committees: Yes [] or No [] If yes; which board?			
What organizations in the City of Miami Beach do you currently hold membership in?			
ame:Title:			
Name:Title:			
List all properties owned or have an interest in, which are located within the City of Miami Beach: 5133 N. Bity ROAD (Home)			
I am now employed by the City of Miami Beach: Yes [] or No. [] If yes, which department.			
Pursuant to City Code Section 2-25 (b): Do you have a parent [], spouse [], child [], brother [], or sister [] who is employed by the City of Miami Beach? Check all that apply. Identify the department(s):			

(Regular Boards of City)	(*Board Required to File State Disclosure forms)	
[] Art in Public Places [] Barrier Free Environment Committee [] Beach Preservation Board [] Beautification Committee [] Board of Adjustment (flood Mgmt.)** [] Budget Advisory Committee [] Code Enforcement Task Force [] Committee on Homeless [] Committee for Quality Education in MB [] Community Development Advisory* [] Community Relations Board [] Convention Center Advisory Board [] Convention Center Capital Projects Oversight [] Debarment Committee [] Design Review Board* [] Fine Arts Board [] Golf Advisory Committee [] Health Facilities Authority [] Hispanic Affairs Committee [] Historic Preservation Board* [] Housing Authority* [] Loan Review Committee*	[] Marine Authority* [] Miami Beach Cultural Arts Council [] Mlami Beach Commission on Status of Women [] North Beach Youth Center Oversight Committee [] Nulsance Abatement Board* [] Oversight Committee for General Obligation Bond [] Parks and Recreation Facilities Board [] Personnel Board* [] Planning Board* [] Police Citizens Relations Committee [] Production Industry Council [] Safety Committee [] South Point Advisory Board* to Redevelopment Agency [] Fourist and Convention Center Expansion Authority* [] Transportation and Parking Board [] Visitor and Convention Authority* [] Youth Center Advisory Board	
Note: If applying for Youth Advisory Board, plea Center: 1. Past service on the Youth Center Advisory Board, plea	ies by your children Yes [] No []. If yes, please list the names of	- if your
Child's name:	Age: Program:	
This section is "not required" but desired: Age: Ethnic Origin (Check one) White [] African-American/Black [] Hisp Asian or Pacific Islander [] American Indian or Employment Status: Employed [] Retired [Gender: M[] or F[] spanic: [] r Alaskan Native []	
I hereby attest to the accuracy and truthfuln Chapter 2, Article VII – of the City Code "St Members." Applicant's Signature Attachment: Please att NOTE: Applications will received in City Clerk's Office / / by PLEASE NOTE THAT THE REQUIREMENTS F	ness of the application and have received, read and will abide tandards of Conduct for City Officers, Employees and Agency AMY PERRY Name of Applicant (PLEASE PRINT) tach a copy of your resume to your application.	
PROMPTLY PROVIDED BY BOARD MEMBER	ON SUPPLIED ON THIS APPLICATION FORM SHOULD BE RS TO THE CITY CLERK.	
Document Control Number (Assigned by the City	/ Clerk's Office) Rev #6 - 6/01	

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Amy Perry, Senior Vice President and Chief Operating Officer, Age 37, joined Mount Sinai Medical Center in 1993 as Coordinator of Administration and was appointed Vice President in 1996. Prior to joining the Medical Center, Ms. Perry served as an independent international marketing consultant for Embassy Suites in Miami, Florida (1991-1992); Vice President/Project Management for Bruce M. Goldstein & Associates, Inc., Minneapolis, Minnesota (1986-1991); and Construction Coordinator for Kensington Properties, Inc., Minneapolis, Minnesota (1984-1986). Ms. Perry received her Bachelor's Degree in Communications from the University of Minnesota, Minnesota, in 1989 and her Masters in Health Services Administration from Barry University, Miami Shores, Florida in 1999, where she was an adjunct professor.

CITY OF MIAMI BEACH BOARDS AND COMMITTEE APPLICATION FORM

Pursuant to City Code section 2-22(4) a and b: Members of agencies, boards, and committees shall be affiliated with the city; this requirement shall be fulfilled in the following ways: a) an individual shall have been a resident of the city for a minimum of six months; or b) an individual shall demonstrate ownership/interest for a minimum of six months in a business established in the city.

Resident of Miami Beach for a minimum of six (6) months: Demonstrate an ownership/interest in a business in Miami E I am applying for a Board appointment because I have spec My special abilities, knowledge, or experience is: CYCANI	Beach for a minimum of six cial abilities, knowledge, ex	xperience: Yes [V]
Are you a registered voter in Miami Beach: Yes [V] or No	of J	? psychology
NAME: DOWNS	olane	
Home 240 Collins Ave 65 Address: No. Street	First Name Miami Beach City	Middle Initial FL 33/39 State Zip Code
	oity	
Phone: 305-673-9795	Fax	Email address
	•	
I am now a resident of: North Beach [] South Bea	_	
Business Name: App	olicant's Position:	
Address:		
No. Street	City	State Zip Code
[] Owner [] Stockholder/Shareholder [] Corporate	Officer [] Other Expla	ain:
Professional License (describe):		Eveiron
Attach a copy of the license listed above.		Expires:
Have you ever been convicted of a felony: Yes [] or Do you currently have a violation(s) of City of Miami Beau	ch codes: Yes [] or No	
Do you currently owe the City of Miami Beach any money If yes, explain in detail:		
4. Are you currently serving on any City Boards or Committee If yes; which board?	ees: Yes [] or No [v]	
What organizations in the City of Miami Beach do you curren	itly hold membership in?	
Name: MDPL	Title: tour qui	ماما
Name: Miami Beach Garden Consen	vanctule: tour ci	vide
List all properties owned or have an interest in, which are loc	cated within the City of Mia	ami Beach:
I am now employed by the City of Miami Beach: Yes [] or	No [1]. If yes, which de	partment.
Pursuant to City Code Section 2-25 (b): Do you have a parent is employed by the City of Miami Beach? Check all that apply	it [], spouse [], child [y. Identify the departmen], brother [], or sister [] who t(s):
The first the control of the control	THE RESERVE OF THE RE	

CCCMBWEB/JOBS/BCAPPLICLDOC

-	se list your preferences in order of ranking	ng [1] first choice [2] next choice and so on	
	egular Boards of City)	(*Board Required to File State Disclosure forms)	
	[] Art in Public Places [] Barrier Free Environment Committee [] Beach Preservation Board [] Beautification Committee [] Board of Adjustment (flood Mgmt.)* [] Budget Advisory Committee [] Code Enforcement Task Force [] Committee on Homeless [] Committee for Quality Education in MB [] Community Development Advisory* [] Community Relations Board [] Convention Center Advisory Board [] Convention Center Capital Projects Oversight [] Debarment Committee [] Design Review Board * [] Fine Arts Board [] Golf Advisory Committee [] Health Advisory Committee [] Health Facilities Authority [] Hispanic Affairs Committee [] Historic Preservation Board* [] Loan Review Committee*	 [] Oversight Committee for General Obligation Bond [] Parks and Recreation Facilities Board [] Personnel Board* [] Police Citizens Relations Committee [] Production Industry Council [] Safety Committee [] South Point Advisory Board* to Redevelopment Agency [] Tourist and Convention Center Expansion Authority [] Transportation and Parking Board [] Visitor and Convention Authority* [] Youth Center Advisory Board 	
	 Past service on the Youth Center Advisory Box Present participation in Youth Center activities children, their ages, and which programs. Lis 	Board: Yes [] No [] (Years of Service [] ities by your children Yes [] No [] If yes please list the names of y	/OL
	Child's name:	Age: Program:	
	This section is "not required" but desired: Age: Ethnic Origin (Check one) White	Gender: M [] or F [] lispanic: [] or Alaskan Native []	
	Employment Status: Employed [] Retired [[] Home-maker [] Other [
(I hereby attest to the accuracy and truthfulne Chapter 2, Article VII – of the City Code "Sta Memberss"	ulness of the application and have received, read and will abide by Standards of Conduct for City Officers, Employees and Agency	•
	Deane Downs 12,19,0	7/03 Dlane Downs	
	Applicant's Signature Date	Name of Applicant (PLEASE PRINT)	
	Attachment: Please atta NOTE: Applications will re Received in City Clerk's Office /_ /_ by	attach a copy of your resume to your application. I remain on file for a period of one (1) calendar year. Clerk	
	COUNTRIOS OF MANNIALMED BA CLIA BOAK	FOR BOARD MEMBERSHIP DETAILED ON THIS APPLICATION DARD MEMBERS THROUGHOUT THEIR TENURE AS BOARD TON SUPPLIED ON THIS APPLICATION FORM SHOULD BE ERS TO THE CITY CLERK.	
	Document Control Number (Assigned by the City C	ty Clerk's Office) Rev #6 - 6/01	

Diane L. Downs

240 Collins Avenue 6-D South Beach, Florida 33139-7181 USA diane@the-beach.net 305-673-9795

December 2003

Diane Downs is a long time city dweller having grown up and attended college in the Boston area. She has lived and worked in Los Angeles and New York City as well, moving from Cambridge, Massachusetts to Coconut Grove in 1994 and to South of Fifth St. (SoFi) on Miami Beach in 1997.

Ms. Downs is the CEO of SofiLogic LLC. Diane and her husband/business partner of 18 years, Phillip Cousins work together, bringing their patent pending software to market in the US. Based on their research at Harvard University, the Web enabled software measures change in organizations. Miami Beach has become the location of choice for the company's corporate headquarters office, to open in 2004.

Diane served for five years as an officer at Harvard University with Project Zero, the center for studying cognitive science and creativity. She also has business experience in commercial film production in Hollywood, in visual merchandising in New York and has done international consulting in culture change and decision analysis.

She started volunteering for the Art Deco Festival 6 years ago. Diane has since become a volunteer tour guide, doing weekly tours on Wednesday mornings, winning the "tour guide of the year" award last March 2003. She also is a volunteer garden docent at the Miami Beach Conservancy with a special focus on the Japanese Garden. Ms. Downs has been featured in promotional videos of the Beach and the Botanical Garden, describing our history and culture.

A member of the Fairchild Tropical Garden and of the Miami Art Museum, Diane also serves as secretary for the Terrace View Towers Condominium Association on Collins Ave, where she and her husband reside.

As part of the All-Amercia City team, Diane traveled to Washington D.C. in June 2003 to represent our award winning City. She graduated from the second Neighborhood Leadership Academy, helped to organize the Alumni Association, is a graduate of the ninteenth Citizen's Police Academy and is a Pillar Trustee of the Miami Beach Chamber of Commerce.

Education:

B.S. in Mathematics, with a minor in Art, Simmons College, Boston, MA. Ed.M. in consulting psychology, Harvard University, Cambridge, MA.

R9 - New Business and Commission Requests

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

AGENDA ITEM R98 1+2
DATE 1-14-04



CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

LUIS R. GARCIA JR.

COMMISSIONER

DATE:

DECEMBER 12, 2003

RE:

ACCESS TO CHANNEL #20

At the request of Mr. Kevin Garraty, please place as a discussion item at the January 14th agenda the use of Channel #20 to broadcast public service announcements.

I invite my fellow Commissioners to co-sponsor this request.

Please provide a morning time certain for this item.

Thank you.

Attachment

C: Mayor and Commission

Agenda Item

Date



October 22, 2003

Commissioner Luis R. Garcia Jr. Miami Beach City Commission Miami Beach City Hall 1700 Convention Center Drive Miami Beach, Fl. 33139

Dear Commissioner Garcia,

Thank you for taking the time to meet with me yesterday regarding SoBAP's request for use of the city's government/public access channel 20. As you know this channel is an important and valuable venue for distribution of messages to residents of our city.

As you know HIV/AIDS continues to be the most important public health issue that confronts the city on a daily basis. Miami/Dade continues to lead the nation in new HIV infections. South Beach (Specifically zip code 33139) and Liberty City continue to be the two districts within the county that have the highest rates of new infection.

South Beach AIDS Project is part of a pilot project sponsored by the Florida Dept of Health, which uses the recently approved OraQuick 20 min. HIV test. This test is revolutionizing the way HIV testing is done since there is no need for the client to return for results. We are currently the only site in Miami/Dade to offer this test and we would like to use channel 20 to help keep the word out in the community about the need to be tested for HIV and the aviailibility of the 20 min. test at South Beach AIDS Project.

We have produced 2 public service announcements and will be producing another in the near future that offers harm reduction and HIV prevention messages. We would like to air these messages on channel 20 when it is not being used for city business. It seems logical for the city to make the channel available for messages from its non-governmental and community based organizations (NGO and CBO's).

Perhaps a reasonable place to start in determination of what CBO's and NGO's would be eligible to access channel 20 would be to allow those agencies currently receiving funding from the city use of the channel. These agencies have already been vetted by the city and the fact that they are funded by the city means the city has determined that the missions of the agencies are consistent with the needs of the residents of our city.

HIV/AIDS Prevention Programu

HIV/AIDS Counseling & Teeting

HIV/AIDS Education Service

Community Seminal

Psychological Service

Online HIV Counseling

Migm/Bade HIV/ALDS Resource Bulds

Back To Work Progra

Board of Directe

Raymond R. Hart, Cha

Stephan Fallon, Co-Cha

Thomas Millner, Secreta

Rick Quackanbush, Treasure

Michael Denta

Luigi Ferre

Georgie Fost

Robert Jak

Executive Direction

Kevin E. Gurr

SOUTH BEACH AIDS PROJECT, IN

Melling: 1521 Alton Road, PMB 4(B

Miemi Beach, FL 33149

Offices/Services; 306 Lincoln Rould

Miami Beach, FL 331#9

Websile: www.sobenide.

E-mail: info@sobeeide.dig



I would be most appreciative if you would consider introduction of a resolution at the next commission meeting that would direct the city administration to develop a plan and guidelines for CBO's and NGO's use of channel 20.

I would also appreciate the opportunity to address the Commission to talk about the great need of the CBO's in this city for access this important community resource.

Thank you in advance for your consideration of my requests. You have always been a great friend of this agency and the gay/lesbian community in general and regardless of the outcome of this issue I would like you to know that your past support of South Beach AIDS Project is greatly appreciated.

Sincerely,

Kevin Garrity
Executive Director

306 Lincoln Road Miami Beach, Florida 33139 305.532.1039 Office 305.532.1619 Fax keving@sobjeaids.org

South Beach AIDS Project, Inc.

Fax

Tol	Comm Luis R. Garcia Jr.	Froi	nı_	Kevin Garrity	
Faxu	395 673 709	Dark	1	October 22, 2003	
Phone		Peş	981	3 Including cover	sheet
Re:	vesterdays meeting	ÇCı			
🗆 Urge	nt X For Review	□ Please Commen		X Please Reply	□ Please Recycle
-Comm	ts:				
Commis	stoner Garcia,				
As per y be helpfu	our request. I would be n	nore than happy to br	lef y	rou with further deta	ails if you feel that would
	e me know if you have 01.532.1033.	any further question	s by	/ EMailing me at G	Sarrity@sobeaids.org or
Best reg	aldis.				
Kevin Ga	a r ity				

03 OCT 22 PM 1: 06

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

DISCUSSION REGARDING CONVENTION DEVELOPMENT TAX

A discussion regarding Convention Development Tax.

Additional information will be provided in your supplemental material.

JMG/CMC/rar

T:\AGENDA\2004\Jan1404\Regular\CDT Discussion.MEM.doc

Agenda Item Date



03 DEC 22 AHII: 57

CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

SIMON CRUZ

COMMISSIONER

DATE:

DECEMBER 18, 2003

RE:

AGENDA ITEM

Please place the attached item regarding vehicle donation for the Sister City Program of Ica Peru (see attached letter) for approval on the January 14th Commission meeting.

Attachment

SC/ma

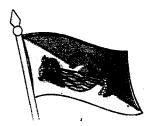
Agenda Item R9E

Date 1-14-04



Municipalidad Provincial





December 4, 2003

Mr. Simon Cruz City of Miami Beach, Fla 33139

Mr. Simon Cruz:

I respectfully request on behalf of the Sister City of Ica —Peru if the City of Miami Beach could consider the donation of the vehicles that are not longer in use, these vehicles are as follows:

1)2266 1997 Ford Crown Victoria 2FLAP71W1VX168829

2)2298 1997 Ford Crown Victoria 2FLA 971W1V212876

3)2304 1997FORD CROWN VICTORIA 2FALP71W4VX212872

4)2306 1997 FORD CROWN VICTORIA 2FALP71W1VX212862

I will appreciated if you make this request in favor of the Sister City of Ica-Peru.

Yours truly,

Tomas Datorre

On behalf of the Sister City of

Ica Peru

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez 🦠

City Manager

Subject:

DONATION OF VEHICLES FOR THE SISTER CITY PROGRAM OF ICA

PERU

ANALYSIS

The request for donation of four (4) police vehicles by our Sister City Ica Peru has been analyzed.

The City's vehicle replacement program is designed to minimize impacts on the annual budget, while still providing for the timely replacement and acquisition of vehicles. For existing vehicles an annual depreciation is captured that goes into a fund to replace vehicles. The depreciation amount is supplemented by the proceeds from the sale of surplus vehicles at the time of replacement. Together, the depreciation and sale proceeds enable vehicles to be replaced when appropriate and that funds have been set aside in advance for that purpose.

The four police cars are part of the scheduled replacement of a larger number of police vehicles that is anticipated and funded in the 2004 budget.

At this time, the City auctions its surplus vehicles and the revenue generated by the auction is budgeted as part of anticipated revenues for the fiscal year. In this specific instance, the auction revenue which would result from the sale of the four requested police vehicles is approximately \$3,000 per vehicle towards the purchase of the replacement or \$12,000 and this amount has been budgeted in the City's Operating Budget for the fiscal year.

In the past, the City has agreed to donate specific fire apparatus that had been replaced with City funds and these vehicles had little or no residual value. In this case there are budgeted funds that are specifically earmarked for replacement vehicles. It is my recommendation that the Commission consider this request very carefully, as it will directly affect our current year budget and the on-going value of our vehicle replacement fund.

JMGXRXM\sam

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ca. CMC



CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

SIMON CRUZ

COMMISSIONER

DATE:

JANUARY 5, 2004

RE:

AGENDA ITEM

Please place on the January 14th, 2004 City Commission Agenda for discussion, the possibility of giving Consulates stationed in Miami-Dade County parking permits. This request came to me by the Consulate General of Spain.

SC/ml

Agenda Item R9F

Date 1-14-04





Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

COMMISSION MEMORANDUM

TO:

Mayor David Dermer

DATE:

January 14, 2004

Members of the City Commission

FROM:

Murray H. Dubbin

City Attorney

SUBJECT: Resolution Extending Terms of Charter Review Board for Six Months

Pursuant to City of Miami Beach Resolution No. 2003-25124, membership terms of the City's Ad Hoc Charter Review and Revision Board are scheduled to expire on February 4th, 2004. Inasmuch as certain issues for City Review Board consideration remain outstanding, Mayor Dermer has requested that the attached Resolution be presented to the City Commission, which legislation will reestablish the Charter Review Board for an extended six month period, with Board terms commencing on February 5th, 2004 and expiring on August 6th, 2004.

F:\atto\OLIJ\RES-ORD\MEMOS\AdHocBoard (2).CommMemo.doc

Agenda Item

Date

RESOLUTION NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CITY OF MIAMI BEACH RESOLUTION NO. 2003-25124 CREATING THE CITY OF MIAMI BEACH AD HOC CHARTER REVIEW AND REVISION BOARD SO AS TO REESTABLISH ITS EXISTENCE FOR A PERIOD OF SIX MONTHS, WITH BOARD TERMS COMMENCING ON FEBRUARY $5^{\rm TH}$, 2004 AND EXPIRING ON AUGUST $6^{\rm TH}$, 2004 (SUBJECT TO EARLIER SUNSET BY THE CITY COMMISSION).

WHEREAS, the Mayor and City Commission of the City of Miami Beach, Florida, via its Resolution No. 2003-25124, created the City of Miami Beach Ad Hoc Charter Review and Revision Board under authority of Section 8.01 of the Miami Beach City Charter mandating that the Charter "...shall be reviewed ten years from November 3rd, 1993 and each tenth year thereafter; and

WHEREAS, City Miami Beach Resolution No. 2003-25124 provides that Charter Review Board terms were to commence on February 5th, 2003 and expire on February 4th, 2004 (subject to earlier sunset by the City Commission); and

WHEREAS, inasmuch as both the City Commission and City Administration have requested the Charter Review Board review outstanding issues in the Charter and Related Special Acts, it is necessary that terms of the Charter Review Board be extended for a period of six months; and

WHEREAS, the Charter Review Board must thus be reestablished for an additional six months, with terms commencing on February 5th, 2004 and expiring on August 6th, 2004 (subject to earlier sunset by the City Commission).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City of Miami Beach Ad Hoc Charter Review and Revision Board is hereby reestablished for a term of six months, with membership terms commencing on February 5th, 2004 and expiring on August 6th, 2004 (subject to earlier sunset by the City Commission).

PASSED and ADOPTED this day	of, 2004.
ATTEST:	MAYOR
CITY CLERK Requested by Mayor David Dermer	APPROVED AS TO FORM & LANGUAGE

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My Attorney 1-07-04

OFFICE OF THE CITY ATTORNEY CITY OF MIAMI BEACH

TO:

Mayor David Dermer

Members of the City Commission City Manager Jorge Gonzalez

FROM:

Murray H. Dubbin

City Attorney

SUBJECT:

Notice of Closed Executive Session

DATE:

December 16, 2003

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on January 14, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

<u>La Gorce Country Club, Inc., vs. City of Miami Beach, Florida</u>. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

<u>City of Miami Beach vs. La Gorce Country Club, Inc.</u>, Case no 3D03-2442, Third District Court of Appeal

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner and First Assistant City Attorney Gary Held.

Agenda Item<u>RIOA</u>

Date |-|4-04

OFFICE OF THE CITY ATTORNEY CITY OF MIAMI BEACH

TO:

Mayor David Dermer

Members of the City Commission City Manager Jorge Gonzalez

FROM:

Murray H. Dubbin

City Attorney

SUBJECT: Revised Notice of Closed Executive Sessions

DATE:

January 8, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on January 14, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss pending litigation on the following cases:

West Side Partners, Ltd., a Florida limited partnership; East Coastline Development, Ltd., a Florida limited partnership; 404 Investments, Ltd., a Florida limited partnership; Azure Coast Development, Ltd., a Florida limited partnership; Beachwalk Development Corporation, a Florida corporation; Portofino Real Estate Fund, Ltd., a Florida limited partnership; St. Tropez Real Estate Fund, Ltd., a Florida limited partnership; and Sun & Fun, Inc., a Florida corporation, vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., a Florida limited partnership vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (removed to US Dist. Court, So. Dist. of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., a Florida limited partnership, and Catherine F. Colonnese, a registered voter in the City of Miami Beach, Florida, vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (on Appeal in Third District Court of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd vs. City of Miami Beach and the State of Florida, Department of Community Affairs. State of Florida, Division of Administrative Hearing Case No. 02-3283

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen and Dan Paul.

Agenda Item <u>R10B</u>

Date <u>1-14-04</u>



OFFICE OF THE CITY ATTORNEY CITY OF MIAMI BEACH

TO:

Mayor David Dermer

Members of the City Commission City Manager Jorge Gonzalez

FROM:

Murray H. Dubbin

City Attorney

SUBJECT: Notice of Closed Executive Session

DATE:

January 8, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on January 14, 2004in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

Felix Equities, Inc. vs City of Miami Beach, United States Fidelity & Guaranty, a Foreign corporation, and St. Paul Fire & Marine Insurance Co. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-16109 CA 22

<u>In re: Linc.Net, Inc., et al.</u> United States Bankruptcy Court, Southern District of Florida, Miami Division. Chapter 11, Case Nos. 02-16987-BKC-RAM through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16987-BKC-RAM)

Atlantic Civil, Inc., a Florida corporation, vs. Miami Beach Redevelopment Agency, vs. National Fire Insurance Company or Hartford and Kimley-Horn and Associates, Inc., vs. Kimley-Horn and Insurance Company Inc., vs. Hazen and Sawyer, P.C. Eleventh Judicial Circuit, General Jurisdiction, Case No. 01-23635 CA 09

City of Miami Beach vs. United States Fidelity & Guaranty Company. Miami-Dade County Circuit Court Case No. 03-19303 CA 03

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Assistant City Attorney Rhonda Hasan, and Special Counsel Steve Siegfried.

Agenda Item RIOC
Date 1-14-04

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OFFICE OF THE CITY ATTORNEY **CITY OF MIAMI BEACH**

TO:

Mayor David Dermer

Members of the City Commission City Manager Jorge Gonzalez

FROM:

Murray H. Dubbin

SUBJECT:

Notice of Closed Executive Session

DATE:

January 9, 2004

Pursuant to Section 768.28, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on January 14, 2004, to discuss the following Risk management case:

> Claude Tunc and Martine Tunc, individually, and as Personal Representative of the Estate of Stephanie Tunc, deceased, and Sandrine Tunc vs. City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-21813 CA 20

The Closed Executive Session will be held in the City Manager's large conference room, Fourth Floor, City Hall.

cc: Risk Management

Agenda Item

Date

437

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CITY OF MIAMI BEACH





COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

Subject:

NOTICE OF CLOSED EXECUTIVE SESSION

Pursuant to Section 447.605, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission Meeting on January 14, 2004 in the City Manager's Large Conference Room, Fourth Floor, City Hall, for discussions relative to collective bargaining.

JMG/REP/Ic

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RIDE **Agenda Item** Date 1-14-04

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City of Miami Beach

MURRAY H. DUBBIN City Attorney



Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

COMMISSION MEMORANDUM

DATE: January 14, 2004

TO:

Mayor David Dermer

Members of the City Commission City Manager Jorge M. Gonzalez

FROM:

Murray H. Dubbin

City Attorney

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Mortgage Electronic Registration Systems, Inc. acting solely as nominee for CBSK Financial Group, Inc. d/b/a American Home Loans, min no. 1001446-0009718621-9 vs. Nestor Alvarez; et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-28379 CA 06

This is a mortgage foreclosure case for real property located at 3050 Alton Road, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal). An Answer was filed on December 23, 2003.

 Wells Fargo Bank of Minnesota, N.A., as trustee for registered holders of Option One Mortgage Loan Trust 2001-A, Asset Backed Certificates, Series 2001-A vs. Roy Rodriguez; Jana L. Blaha, et al. Eleventh Judicial Circuit, Gen Jurisdiction, Case No. 03-28371 CA 20

This is a mortgage foreclosure case for real property located at 3015 N. Bay Road, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal). An Answer was filed on December 23, 2003.

Agenda Item A

Date /-//-04

1700 Convention Center Drive -- Fourth Floor -- Miami Beau

1

Mayor David Dermer Members of the City Commission City Manager Jorge M. Gonzalez Page 2 January 14, 2004

3. <u>Michael Wesener vs. The City of Miami Beach</u>. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-28520 CA 04

The City was served with this Complaint on December 10, 2003, wherein the Plaintiff alleges that he was rollerblading in Flamingo Park when he was caused to fall over a strip of missing concrete in the walkway in Flamingo Park thereby sustaining an elbow fracture. An Answer and Affirmative Defenses will be timely filed.

4. <u>Lavont Flanders vs. City of Miami Beach, a municipality of the State of Florida</u>. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-28597 CA 8

Lavont Flanders filed suit in federal court claiming that he was discriminated against because of his race in violation of Title VII, Florida's Civil Rights Act, and the Equal Protection clause of the United States Constitution. The Federal Court dismissed all Federal law claims, and remanded the Florida Civil Rights Act claim to State court. Flanders' alleges that he was discriminated against because of his race when his employment as a police officer was terminated on October 13, 1997. The City's Personnel Board upheld Plaintiff's termination, and Flanders' appeal of that decision was unsuccessful. The City is filing its answer and affirmative defenses to the State law claim. The City will vigorously defend the case.

5. <u>Deutsche Bank Trust Company Americas</u>, f/k/a Bankers Trust Company, a Trustee vs. Hector Rodriguez, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-28884 CA 31

This is a mortgage foreclosure case for real property located at 6347 S.W. 15th Street, Miami. The City of Miami Beach is not a named defendant in this case; this mortgage foreclosure was sent to the City of Miami Beach in error.

6. <u>Mortgage Electronic Registration Systems, Inc. vs. Jose Bernando Lopez et al.</u> Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-29235 CA 20

This is a mortgage foreclosure case for real property located at 8481 N.W. 197th Terrace, Miami. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed December 30, 2003.



Mayor David Dermer Members of the City Commission City Manager Jorge M. Gonzalez Page 3 January 14, 2004

7. <u>Amparo Camargo vs. State of Florida, Department of Transportation, The City of Miami Beach, a municipal corporation, and Florida Power and Lightr Company, a Florida corporation.</u> Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-22672 CA 32

The City was served with this Complaint on December 23, 2003 wherein the Plaintiff alleges that on November 25, 2001 she was a passenger on a Miami-Dade County bus which drove over an unsecured manhole cover located at the intersection of Alton Road and 6th Street thereby causing her to fall and sustaining injuries: A timely Answer and Affirmative Defenses will be filed, as well as summary judgment if it determined that it is not a City manhole cover.

8. Mortgage Electronic Registration Systems, Inc., vs. Jose R. Pineda; Milandina Suero, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-30060 CA 30

This is a mortgage foreclosure case for real property located at 8788 N.W. 21st Court, Miami. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed January 8, 2004.

9. <u>Union Planters Bank, N.A. f/k/a Republic National Bank of Miami, vs. Luis N. Cruz; et al.</u> Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-29917 CA 10

This is a mortgage foreclosure case for real property located at 3640 S.W. 129th Avenue, Miami. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed January 8, 2004.

10. <u>Titus Berry and Taisha Auguste vs. Michael Thomas Payne, Anuel Moraga, and Mario Rojo, Individually, and as Officers of the City of Miami Beach Police Department, and the City of Miami Beach, a municipal corporation</u>. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-28525 CA 02

The City was served with this Complaint on December 31, 2003 wherein the Plaintiffs allege false arrest, false imprisonment, malicious prosecution and 1983 civil rights allegations. This matter will be removed to Federal Court and will be strongly defended.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

PARKING STATUS REPORT

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of November 2003. In November 2003, gross revenues at attended facilities (garage and lots) increased by 23.00% as compared to the prior year's period. A major contributing factor to this increase is the addition of the Anchor Garage. Had this facility not been included, gross revenues would have increased 2.14% or \$13,709.19. Five garages have experienced increases in gross revenues year-to-date. In the lone garage (42nd Street Garage), there was a nominal decrease of .34%.

During the month of November 2003, the Parking Department's attended locations earned a net profit of \$529,374.00. This is an increase in net profit of \$136,006.69 or 34.57% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: November 2003

During the month of November 2003, the 17th Street Garage had net revenues of \$225,065.37. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$56,760.00, transient parking revenues of \$162,005.37, and valet rental fees of \$6,300.00. Net revenues decreased from \$227,737.65 in 2002, to \$225,065.37 in 2003; a 1.17% decrease in net revenues.

After subtracting operating expenses of \$79,528.88 the facility had a net profit for the month in the amount of \$145,536.49. This represents an increase in net profit for the facility in the amount of \$2,406.32 or 1.68% when compared to the same period in the previous year. This increase is primarily attributable to a decrease in attendant cashier labor expense of \$7,944.21 that was partially offset by a decrease in access card revenues of \$4,800.00. The decrease in labor expense is a result of November 2002 having three pay periods versus two pay periods in November 2003. The 17th Street Garage served a total of 78,103 parkers in the month of November.

Agenda Item B

Date 1-14-04

B) 7th Street Municipal Parking Garage: November 2003

During the month of November 2003, the 7th Street Municipal Parking Garage had net revenues of \$153,079.56. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$13,237.50 and transient parking revenues of \$139,842.06. When compared to the same month in the prior year (November 2002), net revenues increased from \$150,626.35 in 2002, to \$153,079.56 in 2003; a 1.63% increase in net revenues. After subtracting operating expenses of \$51,221.51 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$42,358.05. This is an increase in net profit of \$8,483.04 or 25.04% as compared to the same period in the previous year, 2002. This increase is primarily attributable to a decrease in attendant/cashier labor expense of \$7,604.54.

The 7th Street Garage served a total of 32,143 parkers in the month of November, 2003.

C) <u>5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): November 2003</u>

During the month of November 2003, the 5-A Surface Lots had net revenues of \$153,750.66. Net revenues are comprised of facility-specific access-card revenues of \$18,360.00 and transient parking revenues of \$135,390.66. When compared to the same period in the prior year (November 2002), net revenues increased from \$139,011.93 in 2002, to \$153,750.66 in 2003; representing a 10.60% increase in net revenues. After subtracting operating expenses of \$27,530.42, the facility had a net profit for the month in the amount of \$126,220.24. This is an increase in net profit of \$21,952.80 or 21.05% from November 2002. This increase is primarily attributable to an increase in transient parking revenues of \$14,498.73 and a decrease in attendant/cashier labor expense of \$6,109.11. The 5-A Municipal Surface Parking Lot served a total of 43,809 parkers in the month of November, 2003.

D) 12th Street Municipal Parking Garage: November 2003

During the month of November 2003, the 12th Street Garage had net revenues of \$30,445.79. Net revenues are comprised of facility-specific monthly parking revenues of \$5,100.00 and transient parking revenues of \$25,345.79. When compared to the same month in the prior year (November 2002), net revenues decreased from \$32,166.02 in 2002, to \$30,445.79 in 2003; a 5.35% decrease in net revenues. After subtracting operating expenses of \$17,852.69 the facility had a net profit for the month in the amount of \$12,593.10. This is an increase in net profit of \$752.49 or 6.36%. This increase is primarily attributable to a decrease in attendant cashier labor expense of \$3,038.99, that was partially offset by an increase in security personnel expense of \$612.65, a decrease in transient parking revenues of \$1,300.23, and a decrease in monthly parking revenues of \$420.00. The 12th Street Garage served a total of 4,360 parkers in the month of November 2003.

E) 13th Street Municipal Parking Garage: November 2003

During the month of November 2003, the 13th Street Garage had net revenues of \$54,810.86. Net revenues are comprised of facility-specific monthly parking permit revenues of \$7,680.00 and transient parking revenues of \$47,130.86. Compared to the same month in the prior year (2002), net revenues increased from \$54,042.69 in 2002, to \$54,810.86 in 2003; representing a 1.42% increase in net revenues. After subtracting operating expenses of \$30,485.16, the facility had a net profit for the month in the amount of \$24,325.70. This is an increase in net profit of \$6,488.40 or 36.38% from November 2002. This increase is primarily attributable to a decrease in attendant cashier labor expense of \$6,511.98. The 13th Street Garage served a total of 9,075 parkers in the month of November 2003.

F) 16th Street-Anchor Parking Garage: November 2003

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of November, 2003, the 16th Street Garage had net revenues of \$133,733.31. Net revenues are comprised of facility-specific monthly parking revenues of \$28,200.00, transient parking revenues of \$85,206.68, and valet rental fees of \$20,326.63. After subtracting operating expenses of \$36,459.11 the facility had a net profit for the month in the amount of \$97,274.20. The 16th Street Garage served a total of 21,422 parkers in the month of November, 2003.

G) 42nd Street Municipal Parking Garage: November 2003

During the month of November, 2003, the 42nd Street Garage had net revenues of \$37,743.56. Net revenues are comprised of facility-specific monthly parking revenues of \$34,980.00 and transient parking revenues of \$2,763.56. Compared to the same month in the prior year, 2002, net revenues increased from \$37,601.97 in 2002, to \$37,743.56 in 2003; representing a .38% increase in net revenues. After subtracting operating expenses of \$16,177.34 the facility had a net profit for the month in the amount of \$21,566.22. The 42nd Street Garage served a total of 11,674 parkers in the month of November, 2003.

H) Electronic Parking Meter Revenue Comparison: November 2003

This statement compares parking meter revenue collected in November 2003, with revenue collected in November 2002. When comparing revenues for November 2003 in the amount of \$627,607.94 to revenues for November 2002 in the amount of \$621,207.74, the report reflects an increase of \$6,400.20 or 1.03% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of November 2003 decal and permit revenue decreased by \$12,072.94 and meter rental revenue (valet, construction, and special events) increased \$15,222.47. The combined total revenue produced at meters for the month of November 2003 was \$630,757.47. This reflects an increase from the previous year in the amount of \$9,549.73 or 1.54%.

I) Parking and Transportation Smart Card Sales: November 2003

In the month of November 2003, the Parking Department sold 2,575 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$62,172.50.

J) Hotel Hangtag Sales: November 2003

In the month of November 2003, the Parking Department sold 2,550 hotel hangtags to hoteliers in the amount of \$15,300.00.

K) Multi-Space Parking Meter Pilot Program: November 2003

Schlumberger-Sema, at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in January 2003. The following is the average dollar amount collected per meter per day of operation:

Ocean Drive

(47 spaces)

			Year to	Year to	
November	November	Increase	Date	Date	Increase
2002	2003	(Decrease)	2002/2003	2003/2004	(Decrease)
\$6.17	\$9.51	54.13%	\$6.50	\$10.72	64.92%

777 17th Street (27 spaces)

		•	Year to	Year to	
November	November	Increase	Date	Date	Increase
2002	2003	(Decrease)	2002/2003	2003/2004	(Decrease)
\$2.42	\$3.02	24.79%	\$2.42	\$2.98	23.14%

Method of Payment Distribution Year to Date for All Collections

Currency	66.91%
Coin	22.99%
Credit Card	10.10%
Total	100.00%

JMG/CMC/SF

F:\PING\\$MAN\JIM\Commission 2003\Parking Status Report-November 2003.doc

CITY OF MIAMI BEACH PARKING DEPARTMENT FINANCIAL REPORT SUMMARY

		2000	Roycomio			ı						
LOCATION	2002 November	2003 November	crease/ ecrease)	Percent of Increase/ (Decrease)	2002 November	Expenses 2003 I	ncrease/ Jecrease)	Percent of Increase/ (Decrease)	2002 November	Profit/(Loss) 2003 I November (i	ncrease/ Jecrease)	Percent of Increase/ (Decrease)
17 St. Garage	227,737.65	225,065.37	(2,672.28)	-1.17%	84,607.48	79,528.88	(5,078.60)	-6.00%	143,130.17	145,536.49	2,406.32	1.68%
7th St. Garage	150,626.35	153,079.56	2,453.21	1.63%	57,251.34	51,221.51	(6,029.83)	-10.53%	93,375.01	101,858.05	8,483.04	9.08%
17th St. Lots	139,011.93	153,750.66	14,738.73	. 10.60%	34,744.49	27,530.42	(7,214.07)	-20.76%	104,267.44	126,220.24	21,952.80	21.05%
12th St. Garage	32,166.02	30,445.79	(1,720.23)	-5.35%	20,325.41	17,852.69	(2,472.72)	-12.17%	11,840.61	12,593.10	752.49	6.36%
13th St. Garage	54,042.69	54,810.86	768.17	1.42%	36,205.39	30,485.16	(5,720.23)	-15.80%	17,837.30	24,325.70	6,488.40	36.38%
42nd St. Garage	37,601.97	37,743.56	141.59	0.38%	14,685.19	16,177.34	1,492.15	10.16%	22,916.78	21,566.22	(1,350.56)	-5.89%
16th St Anchor	0.00	133,733.31	133,733.31	#DIV/0!	0.00	36,459.11	36,459.11	#DIV/0!	0.00	97,274.20	97,274.20	#DIV/0!
Totals	641,186.61	788,629.11	147,442.50	23.00%	247,819.30	259,255.11	11,435.81	4.61%	393,367.31	529,374.00	136,006.69	34.57%
17 St. Garage	Revenue Per Space 154.15	Expenses Per Space 54.47	Profit/Loss Per Space 99.68	F	The 17th Street Garage has 1460 spaces.	18 1460 spaces.						
7th St. Garage	236.97	79.29	157.68	F	The 7th Street Garage has 646 spaces.	s 646 spaces.						
17th St. Lots	303.86	54.41	249.45	F	The 17th Street Lots have 506 spaces.	506 spaces.						
12th St. Garage	227.21	133.23	93.98	F	The 12th Street Garage has 134 spaces.	is 134 spaces.						
13th St. Garage	191.65	106.59	85.05	F	The 13th Street Garage has 286 spaces.	1s 286 spaces.						
42nd St. Garage	60.88	26.09	34.78	F	The 42nd Street Garage has 620 spaces.	as 620 spaces.						
16th St Anchor	166.54	45.40	121.14	F	The 16th Street Anchor Garage has 803 spaces.	агаде has 803 spac	æs.					

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YTD

			Revenue			Expenses	ses			Profit/(Loss)	(88)	
LOCATION	2002 November YTD	2003 November YTD	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2002 November YTD	2003 November YTD	ncrease/ Jecrease)	Percent of Increase/ (Decrease)	2002 November YTD	2003 November YTD	Increase/ Decrease)	Percent of Increase/ (Decrease)
17 St. Garage	399,678.85	5 411,424.91	11,746.06	2.94%	145,911.74	151,674.66	5,762.92	3.95%	253,767.11	259,750.25	5,983.14	2.36%
7th St. Garage	Je 299,937.54	4 305,659.12	5,721.58	1.91%	106,248.80	102,302.07	(3,946.73)	-3.71%	193,688.74	203,357.05	9,668.31	4.99%
17th St. Lots	262,721.81	1 293,852.59	31,130.78	11.85%	57,124.29	52,322.80	(4,801.49)	-8.41%	205,597.52	241,529.79	35,932.27	17.48%
12th St. Garage	ge 61,314.83	3 62,026.53	711.70	1.16%	37,458.94	35,093.52	(2,365.42)	-6.31%	23,855.89	26,933.01	3,077.12	12.90%
13th St. Garage	.ge 106,722.69	110,939.20	4,216.51	3.95%	64,721.41	59,882.78	(4,838.63)	-7.48%	42,001.28	51,056.42	9,055.14	21.56%
42nd St. Garage	age 75,970.52	2 75,714.04	(256.48)	-0.34%	31,025.88	31,777.57	751.69	2.42%	44,944.64	43,936.47	(1,008.17)	-2.24%
16th St Anchor	:hor 0.00	256,924.44	256,924.44	#DIV/0	0.00	74,559.77	74,559.77	#DIV/0!	0.00	182,364.67	182,364.67	#DIV/0!
출 451	Totals 1,206,346.24	1,516,540.83	310,194.59	25.71%	442,491.06	507,613.17	65,122.11	14.72%	763,855.18	1,008,927.66	245,072.48	32.08%
17 St. Garage	Revenue Per Space 281.80	Expenses Per Space	Profit/Loss Per Space 177.91	Ė	The 17th Street Garage has 1460 spaces.	as 1460 spaces.						
7th St. Garage	473.16	158.36	314.79	Ė	The 7th Street Garage has 646 spaces.	s 646 spaces.						
17th St. Lots	580.74	103.40	477.33	Ė	The 17th Street Lots have 506 spaces.	506 spaces.						
12th St. Garage	e 462.88	261.89	200.99	Ė	The 12th Street Garage has 134 spaces.	as 134 spaces.						
13th St. Garage	e 387.90	209.38	178.52	Ė	The 13th Street Garage has 286 spaces.	as 286 spaces.						
42nd St. Garage	Je 122.12	51.25	70.87	Ė	The 42nd Street Garage has 620 spaces.	ias 620 spaces.						
16th St Anchor	ior 319.96	92.85	227.10	Ė	The 16th Street Anchor Garage has 803 spaces.	arage has 803 spac	ces.					

CITY OF MIAMI BEACH PARKING DEPARTMENT 17th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 November	2003 November	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	159,877.65	162,005.37	2,127.72		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	61,560.00	56,760.00	4,800.00		
	17th St. Garage REVENUE (Sales Tax Excluded)	227,737.65	225,065.37	-2,672.28	-1.17%	\$154.15
Expenses	(Sales Fax Excludes)					
Security Personnel		16.616.47	16,574.30	-42.17		
Attendant/Cashier Labor		56,286,32	48,342.11	-7,944.21 (1)		
FP&L		5,507,51	6.473.39	965.88 (2)		
Revenue Control Equipment	t Maintenance	1,666.67	1,666,67	0.00		
Armed Guard Revenue Pick	up	517.18	420.00	-97.18		
Elevator Maintenance		613.00	613.00	0.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenan	ce	3,292.00	5,331.08	2,039.08 (3)		
	17th St. Garage EXPENSES	84,607.48	79,528.88	-5,078.60	-6.00%	\$54.47
	17th St. Garage PROFIT/(LOSS)	143,130.17	145,536.49	2,406.32	1.68%	\$99.68
				Number	of Spaces	1460

⁽¹⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002(2) FP&L Rate applied as fixed average.(3) Best Maintenance Rate for 2G is \$5,331.08

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road/Conventions/TOPA/New World Symphony.

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/17thgar.xls)LN

City of Miami Beach Parking Department 17th Street Garage - 2G

November-03

		Total		Peak	Daily
		Vehicle	Peak	Vehicle	Ticket
Date	Day	Entries	Period	Count	Revenue
1	Saturday	2670	19:00 - 19:59	404	\$5,897.20
2	Sunday	2147	16:00 - 16:59	502	\$4,055.14
3	Monday	1995	17:00 - 17:59	361	\$1,642.99
4	Tuesday	2035	17:00 - 17:59	375	\$1,493.36
5	Wednesday	2198	17:00 - 17:59	352	\$2,079.44
6	Thursday	2388	17:00 - 17:59	370	\$2,706.54
7	Friday	3621	19:00 - 19:59	721	\$8,363.55
8	Saturday	4551	16:00 - 16:59	715	\$15,102.89
9	Sunday	4264	18:00 - 18:59	763	\$15,647.66
10	Monday	2210	17:00 - 17:59	387	\$3,627.10
11	Tuesday	2792	14:00 - 14:59	470	\$7,173.83
12	Wednesday	2251	17:00 - 17:59	386	\$3,523.36
13	Thursday	2524	18:00 - 18:59	404	\$4,453.27
14	Friday	3673	19:00 - 19:59	619	\$8,875.50
15	Saturday	4736	16:00 - 16:59	811	\$16,051.40
16	Sunday	3977	18:00 - 18:59	771	\$13,023.36
17	Monday	1967	17:00 - 17:59	330	\$1,674.77
18	Tuesday	2176	07:00 - 07:59	320	\$1,927.10
19	Wednesday	1973	17:00 - 17:59	333	\$1,799.07
20	Thursday	2053	17:00 - 17:59	335	\$2,381.31
21	Friday	2696	18:00 - 18:59	381	\$3,961.68
22	Saturday	3036	20:00 - 20:59	642	\$7,306.54
23	Sunday	2195	18:00 - 18:59	385	\$4,648.60
24	Monday	1732	17:00 - 17:59	282	\$1,823.36
25	Tuesday	1836	18:00 - 18:59	320	\$1,850.47
26	Wednesday	2266	15:00 - 15:59	317	\$3,382.24
27	Thursday	799	00:00 - 00:59	156	\$1,148.60
28	Friday	2704	20:00 - 20:59	586	\$6,004.67
29	Saturday	2667	20:00 - 20:59	482	\$6,185.98
30	Sunday	1971	16:00 - 16:59	376	\$4,194.39
	TOTAL	78,103			\$162,005.37
	MONTHLY PERI	MIT REVENUE			\$56,760.00
	VALET REVENU	E			\$6,300.00
	TOTAL NET REV	/ENUE			\$225,065.37
					Ψ==V, VV.V1

CITY OF MIAMI BEACH PARKING DEPARTMENT 7th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 November	2003 November	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
74h 64 Cayasa 46						
7th St. Garage-1G Revenue-Ticket	142-8000-344404	137,501.35	139,842.06	2,340.71		
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,237.50	112.50		
	7th St. REVENUE	150,626.35	153,079.56	2,453.21	1.63%	\$236,97
	(Sales Tax Excluded)					
Expenses						
Security Personnel		20,743.70	21,816.06	1,072.36		
Attendant/Cashier Labor		25,273.02	17,668.48	-7,604.54 (1))	
Landscape Maintenance		984.00	1,114.00	130.00		
FP&L		2,747.44	3,067.37	319.93		
Revenue Control Equipment	: Maintenance	700.00	700.00	0.00		
Garage Cleaning/Maintenan	ce	4,864.00	4,699.00	-165.00 (2))	
Armed Guard Revenue Pick	up	517.18	420.00	-97 .18		
Elevator Maintenance		985.00	1,202.00	217.00 (3))	
Surveillance System Mainte	nance	437.00	534.60	97.60		
	7th St. EXPENSES	57,251.34	51,221.51	-6,029.83	-10.53%	\$79.29
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	33,875.01	42,358.05	8,483.04	25.04%	\$65.57
				Nu	mber of Spaces	646

⁽¹⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002

Note:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons and nightclub patrons.

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/7thstga.xls)LN

⁽²⁾²⁰ hrs of credit provided by Best's for missed shifts.
(3) Elevetor repair overtime \$217.00 from ThyssenKrupp

	Garage-10				Daily	Daily	Daily
		Total		Peak	Space Rental	Space Rental	Revenue
		Vehicle	Peak	Vehicle	Goldman -	Other -	Including
Date	Day	Entries	Period	Count	No Tax	Incl. Tax	Tax
1	Saturday	1893	13:00 - 13:59	292	\$375.00	\$70.89	\$9,989.00
2	Sunday	1354	15:00 - 15:59	275	\$375.00	\$70.89	\$5,035.00
3	Monday	463	14:00 - 14:59	91	\$375.00	\$70.89	\$1,497.00
4	Tuesday	412	18:00 - 18:59	68	\$375.00	\$70.89	\$1,242.00
5	Wednesday	441	19:00 - 19:59	80	\$375.00	\$70.89	\$1,214.00
6	Thursday	506	20:00 - 20:59	104	\$375.00	\$70.89	\$1,442.00
7	Friday	1324	23:00 - 23:59	454	\$375.00	\$70.89	\$9,489.00
8	Saturday	1639	00:00 - 00:59	249	\$375.00	\$70.89	\$10,154.00
9	Sunday	1480	00:00 - 00:59	260	\$375.00	\$70.89	\$5,311.00
10	Monday	542	14:00 - 14:59	94	\$375.00	\$70.89	\$1,826.00
11	Tuesday	821	15:00 - 15:59	189	\$375.00	\$70.89	\$2,600.00
12	Wednesday	564	14:00 - 14:59	91	\$375.00	\$70.89	\$1,576.00
13	Thursday	772	13:00 - 13:59	120	\$375.00	\$70.89	\$2,318.00
14	Friday	1332	23:00 - 23:59	280	\$375.00	\$70.89	\$9,667.00
15	Saturday	2179	15:00 - 15:59	312	\$375.00	\$70.89	\$12,413.00
16	Sunday	1527	15:00 - 15:59	256	\$375.00	\$70.89	\$6,065.00
17	Monday	605	13:00 - 13:59	106	\$375.00	\$70.89	\$1,831.00
18	Tuesday	531	13:00 - 13:59	95	\$375.00	\$70.89	\$1,587.00
19	Wednesday	498	13:00 - 13:59	78	\$375.00	\$70.89	\$1,322.00
20	Thursday	671	16:00 - 16:59	107	\$375.00	\$70.89	\$1,988.00
21	Friday	1219	13:00 - 13:59	227	\$375.00	\$70.89	\$9,185.00
22	Saturday	2029	23:00 - 23:59	292	\$375.00	\$70.89	\$11,814.00
23	Sunday	1582	00:00 - 00:59	277	\$375.00	\$70.89	\$4,993.00
24	Monday	575	14:00 -14:59	101	\$375.00	\$70.89	\$1,780.00
25	Tuesday	659	14:00 - 14:59	129	\$375.00	\$70.89	\$1,901.00
26	Wednesday	824	13:00 - 13:59	138	\$375.00	\$70.89	\$3,102.00
27	Thursday	1005	14:00 - 14:59	185	\$375.00	\$70.89	\$2,770.00
28	Friday	1908	15:00 - 15:59	331	\$375.00	\$70.89	\$11,868.00
29	Saturday	1690	23:00 - 23:59	269	\$375.00	\$70.89	\$10,549.00
30	Sunday	1098	00:00 - 00:59	258	\$375.00	\$70.89	\$3,103.00
	TOTAL	32,143			\$11,250.00	\$2,126.63	\$149,631.00

TOTAL GROSS REVENUE	\$11,250.00	\$2,126.63	\$149,631.00
SALES TAX	\$0.00	\$139.13	\$9,788.94
TOTAL NET REVENUE	\$11,250.00	\$1,987.50	\$139,842.06

Needed to Break Even - FY 03/04 bt Service)	\$138,601.25
enue	\$153,079.56
	\$14,478.31
\$11,250.00 No tax included	
\$2,126.63 With Tax	
	enue \$11,250.00 No tax included

CITY OF MIAMI BEACH PARKING DEPARTMENT 5A Surface Lots East and West PROFIT AND LOSS STATEMENT

					Percent of
		2002	2003	Increase/	Increase/
LOCATION	ACCOUNTING CODE	November	November	(Decrease)	(Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	120,891.93	135,390.66	14,498.73	
Revenue-Monthly Permits	480-8000-344596	18,120.00	18,360.00	240.00	
·					
	17th St. Lots REVENUE	139,011.93	153,750.66	14,738.73	10.60%
	(Sales Tax Excluded)				
Expenses		4 004 70	700.00	1 1 10 04 (1)	
Security Personnel		1,884.70	738.66	-1,146.04 (1)	
Attendant/Cashier Labor		30,340.05	24,230.94	-6,109.11 (1)	
Revenue Control Equipment Mair	ntenance	1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		350.40	391.48	41.08 (2)	
	17th St. Lots EXPENSES	34,744.49	27,530.42	-7,214.07	-20.76%
	17th St. Lots PROFIT/(LOSS)	104,267.44	126,220.24	21,952.80	21.05%

⁽¹⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002 $\,$

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/5alots.xls)LN

⁽²⁾ FPL - using the same estimate as September, Raul didn't submit invoice

City of Miami Beach Parking Department 5A Surface Lote Fast an

November-03

5A	Surface	Lots	East	and	West

		East	East	West	West	Total
		Total	Daily	Total	Daily	Daily
		Vehicle	Ticket	Vehicle	Ticket	Ticket
Date	Day	Entries	Revenue	Entries	Revenue	Revenue
1	Saturday	1021	\$3,973.83	670	\$2,614.95	\$6,588.78
2	Sunday	710	\$1,912.15	594	\$1,782.24	\$3,694.39
3	Monday	724	\$1,344.86	469	\$900.93	\$2,245.79
4	Tuesday	643	\$1,315.89	340	\$590.65	\$1,906.54
5	Wednesday	694	\$1,425.23	484	\$885.05	\$2,310.28
6	Thursday	718	\$2,231.78	387	\$1,315.89	\$3,547.67
7	Friday	994	\$3,887.85	600	\$2,417.76	\$6,305.61
8	Saturday	1108	\$4,588.79	905	\$4,085.98	\$8,674.77
9	Sunday	1052	\$3,367.29	1026	\$3,750.47	\$7,117.76
10	Monday	601	\$1,878.50	477	\$1,010.28	\$2,888.78
11	Tuesday	766	\$2,104.67	605	\$1,918.69	\$4,023.36
12	Wednesday	763	\$1,622.43	597	\$1,313.08	\$2,935.51
13	Thursday	792	\$2,153.27	685	\$2,078.50	\$4,231.77
14	Friday	997	\$3,952.34	873	\$3,357.94	\$7,310.28
15	Saturday	1121	\$4,677.57	996	\$5,271.03	\$9,948.60
16	Sunday	961	\$3,150.47	1019	\$3,447.66	\$6,598.13
17	Monday	688	\$1,318.69	471	\$910.28	\$2,228.97
18	Tuesday	746	\$1,484.11	580	\$1,149.53	\$2,633.64
19	Wednesday	737	\$1,379.44	423	\$785.05	\$2,164.49
20	Thursday	761	\$1,976.64	446	\$1,040.19	\$3,016.83
21	Friday	1047	\$3,442.06	690	\$2,386.92	\$5,828.98
22	Saturday	1001	\$4,228.04	607	\$2,674.77	\$6,902.81
23	Sunday	909	\$2,394.39	752	\$1,958.88	\$4,353.27
24	Monday	683	\$1,416.82	457	\$890.65	\$2,307.47
25	Tuesday	746	\$1,567.29	506	\$938.32	\$2,505.61
26	Wednesday	946	\$2,500.93	509	\$1,392.52	\$3,893.45
27	Thursday	595	\$1,528.04	269	\$641.12	\$2,169.16
28	Friday	942	\$3,967.29	526	\$2,443.93	\$6,411.22
29	Saturday	1070	\$4,017.76	779	\$3,221.50	\$7,239.26
30	Sunday	869	\$1,977.57	662	\$1,429.91	\$3,407.48
		25,405	76,785.99	18,404	\$58,604.67	\$135,390.66
			MONTHLY PER	MIT REVENU	JE	\$18,360.00
			TOTAL NET RE	/ENUE		\$153,750.66

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/5alotsrev.xls)OL/LN

CITY OF MIAMI BEACH PARKING DEPARTMENT 12th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 November	2003 November	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	26,646.02	25,345.79	-1,300.23		
Revenue-Monthly Permits	480-8000-344593	5,520.00	5,100.00	-420.00		
	12th St. REVENUE (Sales Tax Excluded)	32,166.02	30,445.79	-1,720.23	-5.35%	\$227.21
Expenses	(· · · · · · · · · · · · · · · · · · ·					
Security Personnel		8,232.15	8,844.80	612.65		
Attendant/Cashier Labor		10,280.84	7,241.85	-3,038.99 (1)		
FP&L		81.67	108.54	26.87 (2)		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenan	nce	1,605.75	1,532.50	-73.25 (3)		
	12th St. EXPENSES	20,325.41	17,852.69	-2,472.72	-12.17%	\$133.23
	12th St. PROFIT/(LOSS)	11,840.61	12,593.10	752.49	6.36%	\$93.98

 ⁽¹⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002
 (2) FPL - using estimate for October, Raul didn't privide estimate
 (3) Best's provided 30 additional hrs of service for \$247.50

Number of Spaces 134

Note:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

Excel (F drive/Ping/\$Pers/P&L/2004/November/12thstga.xls)LN

City of Miami Beach Parking Department 12th Street Garage - 2A Garage

November-03

CMB 4 4 1 1 0 0 0 2 0 0 0 3 0 1 0	Day Saturday Sunday Monday Tuesday Wednesday Friday Saturday Sunday Monday Tuesday Wednesday Truesday Sunday Truesday Truesday Truesday Truesday Truesday Thursday Friday Saturday Saturday Saturday Sunday	4 0 4 0 1 2 1 2 0 0 1 1 0 1 0 3 0 3 0 3 0 0 0	0 0 1 0 1 1 1 0 0 1 0 1 0	0 0 1 1 0 1 0 0 0 0 1 0 2 1 0	COURT 0 5 2 0 6 0 7 0 3 2 0	0 0 0 0 0 0 0 0 0 0	0 1 0 3 4 2 4 1 1 4 3 0	OTHERS 0 21 9 19 11 6 7 2 2 18 3 12	200 65 125 96 74 99 203 188 94 118 98 124	204 91 144 124 90 116 216 193 97 152 107 147	\$1,523.36 \$639.25 \$562.62 \$437.38 \$418.69 \$508.41 \$1,364.49 \$1,461.68 \$710.28 \$540.19 \$527.10 \$583.18
4 1 1 0 0 0 2 0 0 0 0 0 0 0 0 0 0 0 1 0 0 0 0	Sunday Monday Tuesday Wednesday Thursday Friday Saturday Sunday Monday Tuesday Wednesday Thursday Friday Saturday	4 0 1 2 1 2 0 0 1 1 0 0 1 1 0 0 3 3 0 3 0 0 0 0	0 1 0 1 1 1 0 0 1 0 1 0 0	0 1 1 0 1 0 0 0 1 0 2 1	0 5 2 0 6 0 0 7 0 3 2	0 0 0 0 0 0 0 0 0 0	1 0 3 4 2 4 1 1 4 3 3	21 9 19 11 6 7 2 2 18 3	65 125 96 74 99 203 188 94 118	91 144 124 90 116 216 193 97 152	\$639.25 \$562.62 \$437.38 \$418.69 \$508.41 \$1,364.49 \$1,461.68 \$710.28 \$540.19 \$527.10
1 1 0 0 0 2 0 0 0 0 3 0 0 1	Monday Tuesday Wednesday Thursday Friday Saturday Sunday Monday Tuesday Wednesday Thursday Friday Saturday	2 2 0 0 1 1 0 0 0 0 3 3 0 2 0 0 0 0 0 0 0 0 0 0 0 0	1 0 1 1 0 0 1 1 0 0 0 0 0	1 1 0 1 0 0 0 1 0 2 1	5 2 0 6 0 0 7 0 3 2	0 0 0 0 0 0 0 0 0	0 3 4 2 4 1 1 4 3 3	9 19 11 6 7 2 2 18 3 12	125 96 74 99 203 188 94 118	144 124 90 116 216 193 97 152	\$562.62 \$437.38 \$418.69 \$508.41 \$1,364.49 \$1,461.68 \$710.28 \$540.19 \$527.10
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2 0 0 0 0 3 0 0 1	Saturday Sunday Monday Tuesday Wednesday Thursday Friday Saturday	2 0 0 0 3 3 0 3 0 2 3 0 0 0	0 0 1 0 0 0 0	0 0 1 0 2 1	0 0 7 0 3 2	0 0 0 0	1 1 4 3 3	2 2 18 3 12	188 94 118 98	193 97 152 107	\$1,461.68 \$710.28 \$540.19 \$527.10
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0 0 3 0 0 1	Tuesday Wednesday Thursday Friday Saturday	3 2 3 0 0 0 0	0 1 0 0	0 2 1 0	0 3 2	0 0 0	3	3 12	98	107	\$527.10
0 3 0 0 1	Wednesday Thursday Friday Saturday	2 3 0 0 0 0	1 0 0 0	2 1 0	3 2	0	3	12			
3 0 0 1 0	Thursday Friday Saturday	3 0 0 0	0 0	1 0	2	0					40000
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0 1 0	Saturday	0	Ō			0	1	4	211	216	\$1,400.00
1 0	, ,		1 *		0	ō	1	8	207	216	\$1,573.83
0			10	l ő	o	0	1	1 1	98	101	\$803.74
	Monday			Ö	5	o o	6	o l	131	144	\$568.22
1	Tuesday		0	ŏ	2	Ö	2	4	108	121	\$491.59
0	Wednesday		0	l o	4	0	ō	1 1	103	111	\$452.34
0	Thursday	1	0	O	0	Ō	ō	20	94	114	\$515.89
l o	Friday		0	1	2	0	4	8	224	239	\$1,499.07
١٥	Saturday) 1	0	0	0	0	4	4	193	202	\$1,517.76
0	Sunday) 0	0	1	o	0	0	1	79	81	\$633.64
0	Monday		1 1	l o	6	0	3	10	115	137	\$512.15
0	Tuesday	4	1	l o	2	ō	1	2	92	99	\$444.86
1	Wednesday	2	0	0	1	0	2	7	93	106	\$424.30
١٥	Thursday		lo	0	0	ō	o	0	89	89	\$514.02
1	Friday	1	1	0	0	ō	1	4	224	231	\$1,594.39
0	Saturday		0	ō	0	ō	4	0	215	219	\$1,708.41
0	Sunday	0	0	1	0	0	1	0	103	105	\$768.22
	TOTAL	9 29	9	10	47	0	57	190	3999	4360	\$25,345.79
	Saturday Sunday	C	0 0	0 0 0	0 0 0 0 0 0	0 0 0 0 0 0 0 1 0	0 0 0 0 0 0 0 0 0 1 0 0 19 29 9 10 47 0	0 0 0 0 0 0 4 0 0 0 1 0 0 1	0 0 0 0 0 0 4 0 0 0 0 1 0 0 1 0 19 29 9 10 47 0 57 190	0 0 0 0 0 0 4 0 215 0 0 0 1 0 1 0 103	0 0 0 0 0 4 0 215 219 0 0 0 1 0 103 105

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TOTAL NET REVENUE

\$30,445.79

CITY OF MIAMI BEACH PARKING DEPARTMENT 13th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 November	2003 November	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	45,402.69	47,130.86	1,728.17		
Revenue-Monthly Permits	480-8000-344527	8,640.00	7,680.00	-960.00		
	13th St. REVENUE	54,042.69	54,810.86	768.17	1.42%	\$191.65
	(Sales Tax Excluded)					
Expenses						
Security Personnel		10,602.13	10,533.80	-68.33 (1)		
Attendant/Cashier Labor		21,909.69	15,397.71	-6,511.98 (1)		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,172.72	1,404.98	232.26 (2)		
Revenue Control Equipmen	t Maintenance	0.00	750.00	750.00 (3)		
Elevator Maintenance		304.00	312.00	8.00		
Armed Guard Revenue Pick	rup	517.18	420.00	-97.18		
Garage Cleaning/Maintenan	ice	1,483.00	1,450.00	-33.00 (4)		
	13th St. EXPENSES	36,205.39	30,485.16	-5,720.23	-15.80%	\$106.59
	13th St. PROFIT/(LOSS)	17,837.30	24,325.70	6,488.40	36.38%	\$85.05
				Numi	ber of Spaces	286

⁽¹⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002

Note:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers and restaurant patrons.

Excel (Fdrive/ping/\$pers/P&L/2004/November/13thstga.xls)LN

⁽²⁾ FPL - used average for September, Raul never sent invoice

⁽³⁾ New contract with Royce \$750.00 monthly

⁽⁴⁾ Pressure cleaning from Best's Maintenance for \$132.00

City of Miami Beach Parking Department 13th Street Garage - 17A

November-03

TOTAL NET REVENUE

\$54,810.86

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Saturday	15	0	3	1	8	5	0	426	458	\$2,286.9
2	Sunday	20	0	3	1	6	3	0	351	384	\$2,007.4
3	Monday	17	1	1	1	6	4	0	168	198	\$1,170.0
4	Tuesday	16	0	1	0	6	5	0	114	142	\$660.1
5	Wednesday	17	1	1	0	6	5	0	133	163	\$797.2
6	Thursday	17	0	2	0	10	3	0	143	175	\$921.
7	Friday	17	1	2	2	10	5	0	342	379	\$1,955.
8	Saturday	21	1	3	1	8	4	0	403	441	\$2,600.
9	Sunday	18	0	2	2	9	7	0	378	416	\$2,088.
10	Monday	20	1	0	1	6	3	0	151	182	\$891.
11	Tuesday	19	0	1	1	6	5	0	194	226	\$1,071.
12	Wednesday	13	0	1 1	1	5	4	0	171	195	\$1,018.
13	Thursday	23	2	2	1	6	4	0	222	260	\$1,161.
14	Friday	22	0	2	1	9	2	0	302	338	\$1,791.
15	Saturday	18	1	2	1	9	4	0	453	488	\$2,769.
16	Sunday	16	0	4	1	6	4	0	382	413	\$2,401.
17	Monday	12	1	1	0	6	5	0	184	209	\$1,200.
18	Tuesday	17	0	1	4	5	6	0	151	184	\$829.
19	Wednesday	17	0	2	2	6	6	0	150	183	\$828.
20	Thursday	12	1	2	2	6	7	0	203	233	\$1,157.
21	Friday	18	1	1	1	10	4	0	279	314	\$1,677.
22	Saturday	18	0	2	2	8	8	0	481	519	\$2,652.
23	Sunday	17	0	1	1	7	5	0	384	415	\$2,022.
24	Monday	16	1	0	1	5	3	0	180	206	\$1,196.
25	Tuesday	17	0	2	0	6	4	2	147	178	\$828.
26	Wednesday	18	0	0	0	6	6	2	231	263	\$1,047.
27	Thursday	13	0	2	1	7	4	0	222	249	\$1,084.
28	Friday	12	0	1	1	10	4	Ō	463	491	\$2,504.
29	Saturday	0	0	o	o	o l	0	ŏ	457	457	\$2,754.
30	Sunday	17	1	4	1	7	5	Ō	281	316	\$1,752.
	TOTAL	493	13	49	31	205	134	4	8146	9075	\$47,130.

Excel (Fdrive/Ping/\$Pers/P&L/2003/November/13thstrev.xls)OL/LN

CITY OF MIAMI BEACH PARKING DEPARTMENT 16th St. - Anchor Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	November 2002 Actual	November 2003 Actual	2003 Actual Over (Under) 2002 Actual	Actual Percent Over (Under)	Nov 2003 Rev/Exp Per Space
16th St Anchor Garage	9					
Revenue-Ticket	463-8000-344911		85,206.68	85,206.68		
Revenue -Valet-Loew's	463-8000-344587		20,326.63	20,326.63		
Revenue-Valet-Royal Palm	463-8000-344587		0.00	0.00		
Revenue-Monthly Permits	463-8000-344903		28,200.00	28,200.00		
	Revenue	0.00	133,733.31	133,733.31	#DIV/0!	\$166.54
Expenses Security Personnel Attendant/Cashier Labor FP&L Revenue Control Equipment Armed Guard Revenue Picke Elevator Maintenance Landscape Maintenance Garage Cleaning/Maintenanc Sanitation (Waste Removal) Fire Alarm Service	1 p		10,171.83 16,050.82 3,800.00 775.00 420.00 1,743.82 152.00 2,924.00 171.64 250.00	10,171.83 16,050.82 3,800.00 775.00 420.00 1,743.82 152.00 2,924.00 171.64 250.00		
	16th St. Garage EXPENSES	0.00	36,459.11	36,459.11	#DIV/0!	\$45.40
	16th St. Garage PROFIT/(LOSS)	0.00	97,274.20	97,274.20	#DIV/0!	\$121.14
				Numt	per of Spaces	803

⁽¹⁾ FPL monthly-used budget

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/16thgar - Anchor.xls)LN

⁽²⁾ Elevator-two service calls; \$465.00 and \$263.50

Parking Department 16th Street Garage (Anchor)

November-03

		Total		Peak	Daily
		Vehicle	Peak	Vehicle	Ticket
Date	Day	Entries	Period	Count	Revenue
1	Saturday	880	00:00 - 00:59	222	\$3,949.53
2	Sunday	678	15:00 - 15:59	108	\$2,471.96
3	Monday	564	15:00 - 15:59	88	\$1,617.76
4	Tuesday	581	19:00 - 19:59	90	\$1,318.69
5 6	Wednesday	616	19:00 - 19:59	112	\$1,463.55
	Thursday	632	17:00 - 17:59	109	\$1,828.04
7	Friday	968	20:00 - 20:59	129	\$4,370.71
8	Saturday	974	00:00 - 00:59	124	\$4,587.85
9	Sunday	760	13:00 - 13:59	128	\$3,758.88
10	Monday	538	15:00 - 15:59	82	\$1,848.60
11	Tuesday	516	17:00 - 17:59	84	\$1,223.36
12	Wednesday	563	15:00 - 15:59	102	\$1,462.62
13	Thursday	644	19:00 -19:59	92	\$1,868.22
14	Friday	980	23:00 - 23:59	138	\$4,832.71
15	Saturday	1278	21:00 - 21:59	166	\$8,133.64
16	Sunday	708	00:00 - 00:59	172	\$3,107.94
17	Monday	536	15:00 - 15:59	90	\$1,875.70
18	Tuesday	495	18:00 - 18:59	71	\$1,208.41
19	Wednesday	637	18:00 - 18:59	122	\$1,530.84
20	Thursday	598	19:00 - 19:59	81	\$1,621.50
21	Friday	887	22:00 - 22:59	111	\$3,671.03
22	Saturday	947	15:00 - 15:59	120	\$4,942.52
23	Sunday	724	00:00 - 00:59	106	\$2,644.86
24	Monday	504	09:00 - 09:59	78	\$1,452.34
25	Tuesday	500	18:00 - 18:59	82	\$1,300.00
26	Wednesday	574	15:00 - 15:59	83	\$2,097.20
27	Thursday	451	17:00 - 17:59	60	\$1,437.38
28	Friday	1021	15:00 -15:59	141	\$4,786.45
29	Saturday	936	18:00 -18:59	130	\$4,851.40
30	Sunday	732	15:00 - 15:59	128	\$3,942.99
	TOTAL	21,422			\$85,206.68
	MONTHLY PERI	MIT REVENUE		-	\$28,200.00
,	VALET REVENU	E			\$20,326.63
•	TOTAL NET REV	/ENUE			\$133,733.31

Note: Garage contract awarded effective June 9, 2003.

CITY OF MIAMI BEACH PARKING DEPARTMENT 42nd St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 November	2003 November	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
40-404-0						
42nd St. Garage - 8A Revenue-Ticket	480-8000-344531	1,661.97	2,763.56	1,101.59		
Revenue-Monthly Permits	480-8000-344595	35,940.00	34,980.00	-960.00		
	42nd St. REVENUE (Sales Tax Excluded)	37,601.97	37,743.56	141.59	0.38%	\$60.88
Expenses	(Gailes Tax Excitation)					
Security Personnel		8,244.21	8,797.59	553.38 (1)		
Attendant/Cashier Labor		3,696.43	3,257.79	-438.64 (2)		
FP&L		1,459.55	1,805.96	346.41 (3)		
Revenue Control Equipment	t Maintenance	0.00	0.00	0.00		
Elevator Maintenance		0.00	536.00	536.00		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenan	ce	1,285.00	1,780.00	495.00 (4)		
	42nd St. EXPENSES	14,685.19	16,177.34	1,492.15	10.16%	\$26.09
	42nd St. PROFIT/(LOSS)	22,916.78	21,566.22	-1,350.56	-5.89%	\$34.78
				Nun	nber of Spaces	620

⁽¹⁾ Armor Security Personnel paid aditional 42 hrs compared with November 2002

Note:

The primary users of this facility are monthly parkers engaged in local business.

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/8agar.xls)LN

⁽²⁾ November 2003 includes two pay periods as compared with three pay periods in November 2002 (3) FPL - using estimated amount as October, Raul didn't send invoice

^{(4) 60} extra hrs of service provided by Best's for \$495.00

CITY OF MIAMI BEACH PARKING DEPARTMENT

ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Nov. 2003 # of Meters	2002 November	2003 November	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	44,720.83	41,761.53	(2,959.30)	-6.62%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	4,660.10	5,685.07		
1A - (1st Street & Ocean Dr.) - Attended Total	480-8000-344502	57	4,660.10	<u>0.00</u> 5,685.07	1,024.97	21.99%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	42,919.10	36,364.24	(6,554.86)	-15.27%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	242.81	0.00	(242.81)	-100.00%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	5,455.08	4,834.75	(620.33)	-11.37%
4X - (Alton 7th St Dade Blvd.) - On Street	480-8000-344509	4 91	59,393.40	52,497.49	(6,895.91)	-11.61%
4B - (Alton & 20th StPurdy-Dade Blvd.) - On Street	480-8000-344511	213	10,673.05	18,371.37	7,698.32	72.13%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	10,378.90	8,245.25	(2,133.65)	-20.56%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,648.66	2,656.75	8.09	0.31%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	1,991.25	1,393.50		
5C - (Convention Ctr. Dr. & 17th Street) - Attended Total	480-8000-344517	0 85	0.00 1,991.25	1,393.50	(597.75)	-30.02%
		07		202 67	, ,	
5F - (Meridian Ave & 18th Street) - Off Street 5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519 480-8000-344519	97 0	645.72 0.00	382.57 0.00		
Total	130 333 31 13 13	97	645.72	382.57	(263.15)	-40.75%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	905.79	607.78	(298.01)	-32.90%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,319.27	2,537.61	218.34	9.41%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	11,234.24	15,060.13	3,825.89	34.06%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	351.57	910.63	559.06	159.02%
6B - (Collins Ave & 21st Street) - Off Street 6B - (Collins Ave & 21st Street) - Attended	480-8000-344524 480-8000-344524	190 0	11,339.47 0.00	10,417.45 0.00		
Total	400-0000-04-024	190	11,339.47	10,417.45	(922.02)	-8.13%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	42,810.42	53,831.50	11,021.08	25.74%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	108,968.55	106,499.27	(2,469.28)	-2.27%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	633.31	461.34		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	<u>0</u> 14	0.00 633.31	388.78 850.12	216.81	34.23%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	12,171.19	12,057.12	(114.07)	-0.94%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	393.50	375.34	(18.16)	-4.61%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	2,703.52	1,911.72		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00	(704.00)	00.000/
		173	2,703.52	1,911.72	(791.80)	-29.29%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	0.00	6.94	6.94	#DIV/0!
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	0.00	0.00	0.00	#DIV/0!
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,640.56	1,651.72	11.16	0.68%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	0.00	0.00	0.00	#DIV/0!
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	16,201.44	22,440.75	6,239.31	38.51%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	374.34	468.97	94.63	25.28%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	. 0	0.00	0.00	0.00	
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	72.56	37.34	(35.22)	-48.54%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,048.52	829.69	(218.83)	-20.87%
		465				

465

CITY OF MIAMI BEACH PARKING DEPARTMENT

ELECTRONIC I	METER	REVENUE	COMPARISON
PLECIRONICI		KEVERUE	COMPANISON

						Percent of
LOCATION	ACCOUNTING CODE	Nov. 2003 # of Meters	2002 November	2003 November	(Decrease)	Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	53.68	222.24	168.56	314.01%
9F - (75th & Collins) - Off Street	480-8000-344543	106	1,472.41	1,593.69	121.28	8.24%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,294.73	8,865.16	(1,429.57)	-13.89%
10B - (Lincoln Lane & Michigan) - Lease 10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545 480-8000-344545	0	14,583.33 0.00	20,833.33 0.00		
Total		0	14,583.33	20,833.33	6,250.00	42.86%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	26,538.53	23,334.82	(3,203.71)	-12.07%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	9,711.41	8,266.61	(1,444.80)	-14.88%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	2,654.54	3,403.34	748.80	28.21%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,644.94	5,684.45	(960.49)	-14.45%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,410.20	2,396.05	(14.15)	-0.59%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended Total	480-8000-344551	0	0.00	0.00	0.00	#DIV/0!
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	3,195.29	3,158.20		
12X - (Washington & 9th Street) - Attended Total	480-8000-344552	0	3,195.29	0.00 3,158.20	(37.09)	-1.16%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	4,650.75	4,166.59	(3.33)	
13X - (Washington & 10th Street) - On Street	480-8000-344553	0	0.00	0.00		
Total		33	4,650.75	4,166.59	(484.16)	-10.41%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	7,284.13	6,286.18	(997.95)	-13.70%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	8,959.38	11,939.72	2,980.34	33.27%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	3,716.39	4,102.38	385.99	10.39%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	5,059.44	4,979.23	(80.21)	-1.59%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	5,304.35	5,684.96	380.61	7.18%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	3,327.65	4,584.73	1,257.08	37.78%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	5,862.14	8,063.80	2,201.66	37.56%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	1,256.62	791.45		
16D - (Collins Ave & 34th St) - Attended Total	480-8000-344563	64	0.00 1,256.62	0.00 791.45	(465.17)	-37.02%
					(100111)	
16E - (Collins Ave & 35th St) - Off Street 16E - (Collins Ave & 35th St) - Attended	480-8000-344564 480-8000-344564	72 0	859.29 0.00	359.96 0.00		
Total		72	859.29	359.96	(499.33)	-58.11%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	4,116.18	4,351.90		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	7,121.10	7,663.54		
Total		54	11,237.28	12,015.44	778.16	6.92%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	98.25	184.85	86.60	88.14%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	1,820.58	1,818.59		
18A - (Collins & 64th St) - Attended Total	480-8000-344568	67	0.00 1,820.58	0.00 1,818.59	(1.99)	-0.11%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	15,206.95	11,831.17		
19X - (Collins & 46th Street) - Attended Total	480-8000-344569	449	0.00 15,206.95	0.00 11,831.17	(3,375.78)	-22.20%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,285.12	930.32	(354.80)	-27.61%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	3,134.69	3,148.56		
19B - (Collins & 53rd Street) - Attended Total	480-8000-344571	<u>0</u> 158	<u>0.00</u> 3,134.69	<u>0.00</u> 3,148.56	13.87	0.44%
		466	0,107.00	0,170.00	10.01	J. 77 /0

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CITY OF MIAMI BEACH PARKING DEPARTMENT

ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Nov. 2003 # of Meters	2002 November	2003 November	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	4,113.81	2,715.49		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	121	0.00	2,715.49	(4 200 30)	-33.99%
	Total	121	4,113.81	2,715.49	(1,398.32)	-33.9976
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	0.00	0.00	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	31.85	20.04	(11.81)	-37.08%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,089.51	3,568.85	479.34	15.52%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	483.34	379.71	(103.63)	-21.44%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	369.15	392.56	23.41	6.34%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	454.47	529.13	74.66	16.43%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	314.87	275.38	(39.49)	-12.54%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	1,506.47	1,980.13	473.66	31.44%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	17,253.24	14,266.68		
10X - (Lincoln Lane & Lenox - Attended	480-8000-344582	0	0.00	0.00		
Total		99	17,253.24	14,266.68	(2,986.56)	-17.31%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	202.74	313.84	111.10	54.80%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	133.96	0.00	(133.96)	-100.00%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	2,971.05	2,865.34		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,280.36		
		39	2,971.05	6,145.70	3,174.65	106.85%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	1,721.04	1,348.26	(372.78)	-21.66%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	1,845.66	446.66	(1,399.00)	-75.80%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	89.04	110.93	21.89	24.58%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	27.03	87.17	60.14	222.49%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	2,643.65	2,875.64		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	3,502.79		
, ,		108	2,643.65	6,378.43	3,734.78	141.27%
4th & Alton Lot - Off Street	480-8000-344604	21	813.20	233.23	(579.97)	-71.32%
4A - 1833 Bay Road	480-8000-344608	0	0.00	0.00	0.00	#DIV/0!
7D - 10-11th & Collins (Lease)	480-8000-344529	0	6,250.00	6,250.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	2,541.11	0.00	(2,541.11)	-100.00%
14A - 16th Street & Washington (Lease)	480-8000-344555	0	20,833.33	20,833.33	0.00	0.00%
TOTAL		8,305	621,207.74	627,607.94	6,400.20	1.03%

CITY OF MIAMI BEACH PARKING DEPARTMENT DEBIT CARD REVENUE: NOVEMBER 2003

VENDOD	640	\$25	\$25 CARDS W/10% DISCOUNT \$22.50	MACHINE SALES \$ AMT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS W/10% DISCOUNT \$18	TOTALS
VENDOR	\$10			3 AIVI I	REFUNDS			
BAY SUPERMARKET	0	0	0			0	0	\$0.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	0			0	0	\$0.00
CLEAN MACHINE	0	0	0			. 0	0	\$0.00
FINANCE DEPARTMENT	0	64	57			0	0	\$2,882.50
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	0			0	0	\$0.00
NEWS CAFE	0	0	0			0	0	\$0.00
PARKING DEPARTMENT	0	158	106		\$0.00	0	0	\$6,335.00
PUBLIX SUPERMARKET	0	0	2190			0	0	\$49,275.00
BEACH BANK	0	o	0			0	0	\$0.00
PRKG MACHINE - CASH	0	0	0	\$1,520		0	0	\$1,520.00
PRKG MACHINE - CREDIT	0	0	0	\$2,160		0	0	\$2,160.00
ZELICK'S TOBACCO	0	0	0			0	0	\$0.00
WOLFSONIAN	0	0	0			0	0	\$0.00
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	222	2,353	N/A	N/A	0	0	2,575.00
TOTAL \$ AMOUNT	\$0.00	\$5,550.00	\$52,942.50	\$3,680.00	\$0.00	\$0.00	\$0.00	\$62,172.50

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/Debitcrd.xls)

CITY OF MIAMI BEACH PARKING DEPARTMENT DEBIT CARD REVENUE: OCTOBER 2003 - NOVEMBER 2003

			\$25 CARDS W/10% DISCOUNT	MACHINE SALES		COLLECTOR	COLL. CARDS W/10% DISCOUNT	TOTAL 0
VENDOR	\$10	\$25	\$22.50	\$ AMT	REFUNDS	\$20	\$18	TOTALS
BAY SUPERMARKET	0	0	30			0	0	\$675.00
BRIGHAM GARDENS	0	0	0			o	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	20			0	0	\$450.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	141	100			0	0	\$5,775.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	50			0	0	\$1,125.00
NEWS CAFE	0	0	0			0	0	\$0.00
PARKING DEPARTMENT	0	372	243		\$0.00	0	0	\$14,767.50
PUBLIX SUPERMARKET	0	0	4210			0	0	\$94,725.00
BEACH BANK	0	0	30			0	0	\$675.00
PRKG MACHINE - CASH	0	0	0	\$3,900		0	0	\$3,900.00
PRKG MACHINE - CREDIT	0	. 0	0	\$4,830		0	0	\$4,830.00
ZELICK'S TOBACCO	0	0	42			0	0	\$945.00
WOLFSONIAN	0	0	25			0	0	\$562.50
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	513	4,750	N/A	N/A	0	0	5,263.00
TOTAL \$ AMOUNT	\$0.00	\$12,825.00	\$106,875.00	\$8,730.00	\$0.00	\$0.00	\$0.00	\$128,430.00

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/Debitytd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004	2004 Sertember	FY 2003/2004
												rendan.	September	104
17th St. Garage-2G Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	00'0	0.00	0.00	0.00	00'0	0.00	0.00	0.00	0.00	0.00	288,304.91
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	0.00	0.00	00'0	00'0	00:00	0.00	00:00	0.00	0.00	0.00	12,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	110,520.00
	17th St. REVENUE (Sales Tax Excluded)	186,359.54	225,065.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	411,424.91
Expenses Security Personnel Attendant/Cashier Labor	•	15,896.40 41,511.91	16,574.30	0.00	0.00	0.00	00:00	0.00	0.00	0.00	0.00	0.00	0.00	32,470.70 89,854.02
Revenue Control Equipment Maintanance Armed Guard Revenue Pickup	// // // // // // // // // // // // //	0,473.39 1,666.67 420.00	6,4/3.39 1,666.67 420.00	0 0 0 0 0 0	0000	0000	0.00 0.00 0.00 0.00	00:0	0 0 8 0 0 8	888	0.00	0.00	0.00	12,946.78 3,333.34
Elevator Maintenance Landscape and Lot Maintenance Garage Cleaning/Maintenance	921	738.00	613.00	000	0.00	000	0.00	000	8 8 8	8 6 6	8 0 0 0 0 0 0	8 0 0	00.0	040.00 1,351.00 216.66
Carago Creating Maintenance	17th St. EXPENSES	5,331.08 72,145.78	5,331.08 79,528.88	00.00	0.00	0.00	0.00	00:0	0.00	00:0	00.0	00.0	0.00	10,662.18
(Fdrive/Ping/\$Pers/P&L/2004/17thstga.xls)	17th St. PROFIT/(LOSS)	114,213.76	145,536.49	0.00	0.00	0.00	00:00	0.00	0.00	0.00	0.00	00.00	0.00	259,750.25
4														
70	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003
42 44 74 74 74 74 74 74 74 74 74 74 74 74														
17in St. Garage-2G Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339,53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300,00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
Expenses	17th St. REVENUE (Sales Tax Excluded)	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Security Personnel Attendant/Cashler Labor FP&L Revenue Control Equipment Maintanance	aintanance	16,561.95 33,192.78 5,352.35 1,666.67	16,616.47 56,286.32 5,507.51 1,666.67	16,549.18 36,137.49 6,007.59 1,666.67	20,680.62 39,265.13 5,672.16	17,432.22 48,329.64 9,827.33	16,471.66 37,381.35 6,473.39	20,612.78 32,521.25 6,473.39	16,448.34 34,321.57 6,473.39	20,600.10 59,870.88 6,473.39	16,480.25 35,809.78 6,473.39	20,599.69 34,812.81 6,473.39	16,233.62 42,009.65 6,473.39	215,286.88 489,938.65 77,680.67
Armed Guard Revenue Pickup Elevator Maintenance		517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	517.18 613.00	1,999.67 455.00 613.00	1,851.67 525.00 613.00	1,666.67 420.00 6.376.75	20,379.04 6,054.62 13,119.75
Landscape and Lot Maintenance Garage Cleaning/Maintenance	ø,	108.33 3,292.00	108.33 3,292.00	108.33 3,292.00	108.33 3,292.00	108.33	108.33 3,292.00	108.33 5,331.08	108.33 5,331.08	108.33 5,578.58	108.33 5,331.08	108.33	108.33	1,299.96
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
	17th St. PROFIT/(LOSS)	110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

TROTE & LOSS STATEMEN	L													
LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003	2003	2003	2003	2003	2003	2003	FY 2002/2003
						rentuary	March	Aprii	May	June	July	August	September	Totat
17th St. Garage-26 Revenue-Ticket														
יים אפוותם ו ורעהן	480-8000-344563	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516,89	91,325,39	1 529 314 36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6.300.00	6 300 00	6 300 00	. 300 00	000000	
Revenue-Monthly Permits	480-8000-344514	60,000,00	61,560.00	59,820.00	56,760.00	57,960.00	58,740 00	58,680.00	53,460.00	54,300.00	55,920.00	53 160 00	63 220 00	13,000.00 683,580.00
	17th St. REVENUE	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212.346.63	164.819.26	195 219 72	1452 778 44	164616 44	000000000000000000000000000000000000000	00033	00,000,000
Expenses	Cours (av Excinded)									10011	14,010,40	69'9/6'691	150,845.39	2,288,494.36
Security Personnel Altendant/Cashier Labor		16,561.95 33,192.78	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
PP&L Revenue Control Equipment Maintanance	faintanance	5,352.35	5,507.51	6,007.59	5,672.16	46,329.64 9,827.33	37,381.35 6,473.39	32,521.25 6,473.39	34,321.57 6,473.39	59,870.88 6,473.39	35,809.78 6.473.39	34,812.81	42,009.65	489,938.65
Armed Guard Revenue Pickup		517.18	517.18	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Clevalor Maintenance Landscape and Lot Maintenance	g	613.00	613.00	613.00	613.00	613.00	613.00	517.18 613.00	517.18 613.00	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance	•	3 292 00	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	13,119.75
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	3,292.00 81,786.37	3,292.00 66,523.58	5,331.08 67.843.68	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
; ;	17th St. PROFIT((LOSS)	110,636.94	143,130.17	137,568.09	144.356.97	181 895 18	145 R23 DE	93 320 30		20,426.13	DC 158'00	/U,314.9/	78,619.49	875,745.55
(Forve/Ping/SPers/PBL/2003/17thstga.xls)	(slx.et			•			C0.570'54.	30,313.30	129,546.15	10.005,70	97,578.91	95,661.92	72,225.90	1,412,748.81
471														
MATION		2001	2001	2001	2002	2002	2002	2002	2006					
NOUVE	ACCOUNTING CODE	October	November	December	January	February	March	April	May	June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Garage-2G														
Ravenue - Ficket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232,96	1 468 863 09
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300,00	6.300.00	6 300 00	000008	76 600 00
Revenue-Monthly Permits	480-8000-344514	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	29.760.00	59 880 00	60 180 00	03,000,000
	17th St. REVENUE (Sales Tax Excluded)	148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166.441.80	167,712.96	2 185 443 ng
Security Personnel		12,311.04	12,073.41	11,853.44	12.243.49	12 971 98	11 674 27	60 60			ļ			
FP&L		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	16,653.15 31,239.96	19,575.84 32,357,63	17,759.89	164,139.33
Revenue Control Equipment Maintanance	faintanance	1,666.67	1,666.67	5,446.66 1,666.67	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Elevator Maintenance		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	1,000.67	1,656.67	1,666.67	1,666.67	20,000.04
Landscape and Lot Maintenance	ge.	613.00 108.33	613.00 108.33	613.00 108.33	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	517.18 613.00	6,206.16 7,356.00
orage Oreanny/Maintestance	17th St. EXPENSES	3,292.00 60 848 41	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	108.33 3,292.00	108.33	1,299.96
		roto'oo	06.911,40	24, 36U.78	59,243.57	69,408.59	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	726,559.30
	17th St. PROFIT/(LOSS)	87.812.43	90 033 72	119 124 14	425 764 00	מי בגע טבי								

1,458,883.79

102,690.85

102,850.28

104 154 59

109,235.90

122,655.18

139,481.38

175,499.20

179,275.12

125,761.00

119,434.14

90,033.72

87,812.43

17th St. PROFITI(LOSS)

CITY OF MIAMI BEACH PARKING DEPARTMENT 7th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
7th St. Garage-1G Revenue-Ticket	142-8000-34404	139,529.56	139,842.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	279,371.62
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,287.50
Expenses	7th St. REVENUE (Sales Tax Excluded)	152,579.56	153,079.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00.0	305,659.12
Security Attendant/Cashier Labor Landscape Maintenance FP&L		21,049.40 17,797.52 918.67 3.067.37	21,816.06 17,668.48 1,114.00 3.067.37	00000	0000	0.00	00.0	00.0	00.00	00000	00.0	0 0 0 0	0 0 0 0	42,865.46 35,466.00 2,032.67 6,134.74
Revenue Control Equipment Maintenance Garage Cleaning/Maintenance Arned Guard Revenue Pickup Elevator Maintenance	Maintenance te p	700.00 4,864.00 420.00 1,729.00	700.00 4,699.00 420.00 1,202.00	00000	00000	0000	0000	0 0 0 0	00000	3 0 0 0 0 3 0 0 0 0	00 00 00 00 00 00	8 0 0 0 0	8 8 8 8 8	1,400.00 9,563.00 840.00
Surveiliance System Maintenance 7	ance 7th St. EXPENSES	534.60 51,080.56	534.60	000	800	0.00	0.00	0.00	0.00	0.00	0000	0.00	00.00	1,069.20
	7th Street Estimated Debt Service	59,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,500.00
	7th St. PROFIT/(LOSS)	41,999.00	101,858.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	143,857.05
(Fokive/Ping/\$Pers/P&L/2004/7thst/ds)	(8)													
472 410N	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G Revenue-Ticket	142-8000-34404	136, 186. 19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Security Attendant/Cashier Labor		21,087.06	20,743.70	20,245.12 16,806.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86 25,407.34	21,024.44	27,128.97 17,385.71	21,014.42	275,103.07 221,365.42
FP&L Revenue Control Equipment Maintenance	Maintenance	2,667.70 700.00	2,747.44 700.00	2,709.51 700.00	2,462.61 700.00	984.00 4,749.59 700.00	3,067.37 700.00	3,067.37 700.00	1,067.57 3,067.37 700.00	3,067.37 700.00	3,067.37 700.00	7,363,67 3,067.37 700.00	3,067.37 700.00	27,530.02 36,808.44 8,400.00
Carage Cleaning/Maintenance Amed Guard Revenue Pickup Elevator Maintenance Sumalitone Suctor	9. C.	4,864.00 517.18 985.00	4,864.00 517.18 985.00	4,864.00 517.18 985.00	4,864.00 517.18 985.00	4,864.00 517.18 985.00	4,864.00 517.18 985.00	4,864.00 517.18 1,180.88	4,864.00 517.18 1,264.84	5,111.50 517.18 1,936.44	4,864.00 455.00 1,180.88	4,864.00 525.00 1,180.88	4,864.00 420.00 1,295.00	58,615.50 6,054.62 13,948.92
Carcillative Cystells mailleli.	7th St. EXPENSES	48,997.46	437.00 57,251.34	437.00	437.00 54,484.10	437.00 51,052.34	437.00 51,183.04	495.00 54,623.65	495.00 51,482.28	495.00 63,932.36	1,855.00 60,420.37	580.00 62,795.60	2,810.60	9,352.60 657,178.59
	7th Street Estimated Debt Service	59,500.00	59,500.00	59,500.00	69,500.00	59,500.00	59,500.00	59,500.00	59,500.00	69,500.00	69,500.00	69,500.00	59,500.00	714,000.00
	7th St. PROFIT((LOSS)	40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	67,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH PARKING DEPARTMENT 7th St. Garage PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003	2003	2003			FY 2002/2003
:									Z WW	nue -	Amr	August	September	Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136, 186. 19	137,501.35	140,246.61	148,182.44	153,858.76	221.547.82	161 549 46	474 947 87	17 034 004				
Revenue-Monthly Permits	142-8000-344404	90 900		;				25.00	0.740,4	199,750.47	164, 101.85	178,871.59	120,362.30	1,871,006.41
	!	13,123.00	13,129.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200,00	13.200.00	157 200 00
EXDans	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Attendan/Cashier Labor Latodscape Maintenance FP&L Revenue Control Equipment Maintenance Garage Cleaning/Maintenance Aimed Guard Revenue Pickup Elevator Maintenance Surveillance System Maintenance	laintenance nce	21,087.06 16,755.52 984.00 2,667.70 700.00 4,864.00 517.18	20,743.70 25,273.02 984.00 2,747.44 700.00 4,864.00 517.18 985.00	20,245,12 16,806,12 984,00 2,709,51 700,00 4,864,00 517,18	26,257.88 17,276.43 984.00 2,462.61 700.00 4,864.00 517.18	21,150.87 16,664.70 984.00 4,749.59 700.00 4,864.00 517.18 985.00	21,933.85 17,694.64 984.00 3,067.37 700.00 4,864.00 517.18 985.00	26,125,51 16,755,04 918,67 3,067,37 700,00 4,864,00 517,18	22,612.39 16,893.83 1,067.37 3,067.37 700.00 4,864.00 517.18	25,778.86 25,407.34 918.67 3,067.37 700.00 5,111.50 517.18	21,024,44 16,835,01 10,438.67 3,067.37 700.00 4,864.00 455.00	27,128.97 17,385.71 7,363.67 3,067.37 700.00 4,864.00 525.00	21,014.42 17,618.06 918.67 3,067.37 700.00 4,864.00	275, 103.07 221,365.42 27,530.02 36,808.44 8,400.00 58,615.50 6,054.62
	7th St. EXPENSES	48,997.46	57,251.34	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	13,948.92
	7th Street Estimated Debt Service	59,500,00	59 500 00	50 500 00	00000	FO.300,10	10204	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
	The st objective control			20.000	00.000,60	00'000'60	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
(Fdive Pina Constant Constant		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82
SPTRING TO THE TANK T														

	FY 2001/2002 Total		1,830,074.79	179,325.00 2,009,399.79	212,955.12	11,808.00 33,632.14 8,400.00 58,368.00	6,206.16 11,820.00	5,244.00	714 000 00	752,936.20
	2002 September		135,339.42	149, 139.42	22,611.97	984.00 3,069.84 700.00 4,864.00	517.18 985.00	437.00	59 500 no	38,321.24
	2002 August		175,770.79	189,495.79	25,611.88 16,684.59	2,849.96 700.00 4,864.00	517.18 985.00	53,633.61	59,500.00	76,362.18
	2002 July		163,218.25	177,018.25	22,057.41	2,700.17 700.00 4,864.00	517.18 985.00	49, 197, 68	59,500.00	68,320.57
	2002 June		139,551.83	154, 101.83	17,513.64	2,891.16 700.00 4,864.00	985.00	44,835.53	59,500.00	49,766.30
	2002 May	200	163,294.17	177,844.17	15,768.28 16,357.45 984.00	2,574.07 700.00 4,864.00	985.00	43,186.98	59,500.00	75,157.19
	2002 April	171 020 45	14.700.00	185,739.15	15,881.17 16,429.77 984.00	2,733.33 700.00 4,864.00	985.00	43,531.45	59,500.00	82,707.70
	2002 March	240 101 44	14,700.00	254,891.44	17,041.38 15,976.15 984.00	2,567.84 700.00 4,864.00 517.18	985.00	44,072.55	59,500.00	151,318.89
	2002 February	138 843 74	14,550.00	153,393.74	15,146.88 16,018.67 984.00	2,773.25 700.00 4,864.00 517.18	985.00	42,425.98	59,500.00	51,467.76
	2002 January	153.866.18	16,800.00	170,666.18	15,772.87 16,346.08 984.00	2,964.55 700.00 4,864.00 517.18	985.00 437.00	43,570.68	59,500.00	67,595.50
	2001 December	144,735.13	15,825.00	160,560.13	14,460.29 16,107.91 984.00	2,754.67 700.00 4,864.00 517.18	985.00 437.00	41,810.05	59,500.00	59,250.08
	2001 November	105,333.01	16,350.00	121,683.01	15,695,07 15,854.69 984.00	2,599.76 700.00 4,864.00 517.18	985.00 437.00	42,636.70	29,500.00	19,546.31
	2001 October	98,891.68	15,975.00	114,866.68	15,394,28 15,209,20 984,00	3,153,54 700,00 4,864,00 517,18	985.00 437.00	42,244.20	59,500,00	13,122.48
473	LOCATION ACCOUNTING CODE	7th St. Garage-1G Revenue-Ticket 142-8000-344404	Revenue-Monthly Permits 142-8000-344404	7th St. REVENUE (Sales Tax Excluded)	Security Altendani/Cashler Labor Altendani/Cashler Labor FP3L	Reverue Control Equipment Maintenance Garage Cleaning/Maintenance Affired Garaf Reverue Pickup Elevator Maintenance	Surveillance System Maintenance		7th Street Estimated Debt Service	7th St. PROFIT/(LOSS)

CITY OF MIAMI BEACH PARKING DEPARTMENT 5A Surface Lots East and West PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Parking Lots - 5A Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	258,692.59
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00.00	00.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	0.00	0.00	0.00	0.00	00.00	00.00	0.00	0.00	00.00	0.00	35,160.00
Fynancae	17th St. REVENUE (Sales Tax Excluded)	140,101.93	153,750.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	293,852.59
Scurity Personnel Scurity Personnel Attendant/Cashier Labor Revenue Control Equipment Maintenance Landscape and Lot Maintenance FP&L		1,404.71 20,826.85 1,666.67 502.67 391.48	738.66 24,230.94 1,666.67 502.67 391.48	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0 0 0 0 0 0 0 0	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00 0.00	2,143.37 45,057.79 3,333.34 1,005.34 782.96
	17th St. EXPENSES	24,792.38	27,530.42	0.00	00.00	0.00	00.00	00.00	00.00	00:0	00:00	00.0	00.00	52,322.80
	17th St. PROFIT/(LOSS)	115,309.55	126,220.24	0.00	0.00	0.00	0.00	00.00	00'0	0.00	0.00	0.00	0.00	241,529.79
(FdriverPing/\$Pers/P&L/2004/5alots.xts)														
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NOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890,56	132,337.75	139,792.51	139.949.44	111.002.09	47	107 680 68	111 796 59	110 433 27	99 008 57	1 476 973 74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00			00:0			0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
E Veneza e e e e e e e e e e e e e e e e e e	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Security Personnel Security Personnel Attendant/Cashier Labor Revenue Control Equipment Maintenance Landscape and Lot Maintenance FP&L		1,883.74 17,939.85 1,666.67 502.67	1,884.70 30,340.05 1,666.67 502.67	1,797.93 19,183.60 1,666.67 502.67	2,334.72 21,628.82 1,666.67 502.67	1,591.97 22,409.89 1,666.67 502.67	1,750.52 20,603.96 1,666.67 502.67	2,157.89 18,238.36 1,666.67 502.67	1,786.10 18,745.80 1,860.67 502.67	2,172.81 30,790.29 1,666.67 502.67	1,743.98 17,290.62 1,831.67 502.67	1,863.20 17,265.92 1,666.67 502.67	1,687.74 20,813.79 1,666.67 502.67	22,655.30 255,250.95 20,359.04 6,032.04
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	391.46 25,062.35	4,697.75 308,995.09
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A SUrface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003	2003	2003	_	FY 2002/2003
4724 64 64 64 64 64 64 64 64 64 64 64 64 64											oun	August	September	lotal
run St. Farking Lots - 5A Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792,51	139 949 44 111 002 09	111 002 09	127 300 47	03 20F 144 G G G G G 741 75 G G G G G G G G G G G G G G G G G G	444 306 50	0.00	9	
Revenue-Valet	480-8000-344515	00.00	0.00	00.00	000		000		000	ph one to	60.00	110,433.27	99,008.57	99,008.57 1,426,973.74
Revenue-Monthly Permits	480-8000-344596	17,820.00	18.120.00	17 700 00	00 09C 81	16 500 00	47 700 00	5 6	0 0	0.00	000	000	00.0	0.00
	į				20,000,00	יט, שמיניםו	14,700.00	10,000,00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
Expenses	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Security Personnel Alterdant/Cashier Labor Revenue Control Equipment Maintenance		1,883.74 17,939.85 1,666.67	1,884.70 30,340.05 1,666.67	1,797.93 19,183.60 1,666.67	2,334.72 21,628.82	1,591.97	1,750.52 20,603.96	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20 17,265.92	1,687.74 20,813.79	22,655.30 255,250.95
Landscape and Lot Maintenance FP&L		502.67	502.67 350.40	502.67 332.23	502.67 502.67 322.18	1,666.67 502.67 565.72	1,666.67 502.67 39.1.48	1,666.67 502.67	1,860.67 502.67	1,666.67	1,831.67	1,666.67	1,666.67 502.67	20,359.04 6,032.04
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915,30	22,957.07	23,286.72	35,523,92	21.760.42	391.48 21.689.94	391.48	308 005 00
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876 76	105,936.17	105,303,33	90,926.22	90,926.22 1,324,738.65
(FdriverPing/\$Pers/P&L/2003/5alots.xts)														
475										-				
LOCATION	ACCOUNTING CODE	2001	2001	2001	2002	2002	2002	2002	2002	2002	2002	2002	2002	FY 2001/2002
		OCIONEI	November	December	January	February	March	April	Мау	June	July	August	Je.	Total
17th St. Parking Lots - 5A Revenue-Ticket	480-8000-344515	04 475 22	70 00	1										
Boyce Volume		77.011.12	ca.kco'no	71.707.671	132,730.72	133,767,55	155,170.88	123,970.06	119,955.85 116,868.05		108,329.32	115,012.11	102,521.07	102,521.07 1,408,608.58
	480-8000-344515	0.00	0.00	0.00	00'0	00.00	0.00	0.00	00.0	0.00	0.00	00.00	000	000
Revenue-Monthly Permits	480-8000-344596	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200 280 00
ראל אר	17th St. REVENUE (Sales Tax Excluded)	102,236.22	102,134.63	145,892,12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,668.05	124,409.32	132,772 11	1	1,608,888.58
Security Personnel Attendant/Cashier Labor		857.65 17,436.09	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Nevelius Control Equipment Maintenance Landscape and Lot Maintenance		1,666.67 502.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,566.67	19,212.48 1,666.67	20,566.65 1,666.67	226,227.03 20,000.04
מר	17th St. EXPENSES	457 83 20,920 91	601 13 19,617 69	483.88 21,206.84	354.56 21.763.97	335.36 22.382.87	324.34 24.304.95	348.11	343.62	362.67	362.54	502.67 417.81	502.67 404.38	6,032.04 4,796.23
	4741 64 0000000000000000000000000000000000						20.1.1	50.155,	10,010,01	930.84	21,652.45	23,491,24	24,699.53	270,107.64
	Trin St. PROFIT/(LOSS)	81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34 111,709.21		102,756.87	109,280.87	95,581,54	95,581,54 1,338,780.94

95,581.54 1,338,780.94

82,516.94 124,685.28 125,906.75 127,164.68 148,325.93 116,418.22 113,119.34 111,709.21 102,756.87 109,280.87

CITY OF MIAMI BEACH Parking department 12th St. Garage Profit & Loss Statement

		2003	2003	2003	2004	7006	Poor	7000	rode	1000	***************************************	, ,		1000
LOCATION	ACCOUNTING CODE	October	November	December	January	February	March	April	May	June	Auly July	August	September	r 1 2003/2004
12th St. Garage-2A Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51,706.53
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	00:00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,320.00
Expenses	12th St. REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	0.00	0.00	00:00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	62,026.53
Security Personnel Attendant/Cashier Labor FP&L Elevator Maintenance Garana Chaming Maintenance		8,219.46 7,247.08 108.54 125.00	8,844.80 7,241.85 108.54 125.00	00.0 00.0 00.0 00.0	00:0 00:0 00:0	00.0 00.0 00.0	0.00 0.00 0.00 0.00	0.00 0.00 0.00	00.0	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00 0.00 0.00	0.00 0.00 0.00	17,064.26 14,488.93 217.08 250.00
	12th St. EXPENSES	17,240.63	17,852.69	0.00	0.00	0.00	00:00	0.00	0.00	00:0	0.00	0.00	0.00	3,073.25
	12th St. PROFIT/(LOSS)	14,339.91	12,593.10	00'0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,933.01
(Fative/Ping/\$Pers/P&L/2004/12thga.xis)	(S)													
LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
47	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,639.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Security Personnel Attendant/Cashier Labor FP&L		8,245.44 7,054.55 102.79	8,232.15 10,280.84 81.67	8,235.63 6,892.87 98.93	10,779.20 7,315.74 90.60	8,166.92 6,912.77 168.69	8,233.17 7,052.06 108.54	10,238.91 6,810.78 108.54	8,237,06 6,945,10 108,54	10,302,50 10,775.85 108,54	8,241.55 7,497.33 108.54	10,299.64 7,173.01 108.54	8,252.59 7,672.92 108.54	107,464.76 92,383.82 1,302.46
Elevator Maintenance Garage Cleaning/Maintenance		125.00	125.00 1,605.75	125.00 1,605.75	125.00 1,605.75	125.00 1,605.75	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
	12th St. EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,891.55	221,294.46
	12th St. PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,652.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MANI BEACH PARKING DEPARTMENT 12th St. Gazage PROFIT & LOSS STATEMENT

FY 2002/2003	342,465.86 61,800.00 404,265.96 107,464.76 92,333,62 1,302,46 1,011 67 19101.75 221,294.46	162,971.30
2003	22,452,33 5,400.00 27,652,33 6,252,59 7,672,92 1125,00 1,530,50 17,681,55	
2003	31,246.72 5,400.00 36,646.72 10,299,64 7,173.01 108,54 168,67 15,28,61 17,358,11	
2003 July	30,702.84 5,720.00 35,922.84 8,241.55 7,497.33 108.54 17,388.17	
2003 June	22,192.23 4,660.00 27,052.23 10,302.50 10,775.85 106.54 0.00 1,763.50 22,050.39 4,101.84	
2003 May	33,756.05 4,320.00 36,676.05 8,237.06 6,945.10 108.54 0.00 1,532.50 16,622.20 21,652.85	
2003 April	29,315.86 5,040.00 34,355.86 10,238.91 6,610.78 10.657 1,557.25 13,715.46 15,640.38	
2003 March	39,739,49 5,100.00 44,039,49 6,233,17 7,052.06 108,54 17,124,62 27,714,97	
2003 February	28,087,39 4,920,00 33,007,39 8,166,92 6,912,77 166,69 125,00 1,605,75 16,99,13	
2003 January	27,276.87 4,860.00 32,136.87 10,779.20 7,315.79 125.00 1,505.75 19,916.29	
2002 December	27,241,35 5,220,00 32,461,35 32,461,35 6,92,567 16,92,67 16,956,18 16,956,18 16,563,17	
2002 November	26,646,02 5,520,00 32,166,02 8,232,15 10,280,84 81.67 125.00 1,665,75 20,325,41 11,840,61	
2002 October	23,808.81 5,340.00 29,146.81 7,054.55 102.79 125.00 1,605.75 17,133.53	
ACCOUNTING CODE	480-8000-344504 480-8000-344593 1Zh St. REVENUE (Sales Tax Exchded) 1Zh St. EXPENSES 1Zh St. PROFIT/(LOSS)	-
LOCATION	17th St. Garage-2A Revenue-Itickel Revenue-Monthly Permits Expenses Security Personnel Attendant/Cashier Labor Eff-2a, Eff-2a, Reventor Maintenance Garage Cleaning/Maintenance	T William The Control of the Control

FY 2001/2002	Total		325,627.91	22 350 00	00.000.77	16.786,785	78,051.12	82,013.58 871.96	1,500.00	181,705.66	216,282.25
2002	September		20,867.59	90 002 7	26 407 60	62,101,52	8,846.72	6,960.03	125.00 1,605.75	17,643.45	7,544.14
2002	August		29,535.22	5.160 00	14 605 27	77.000,100	9,914.88	49.38	1,605.75	18,675.05	16,020.17
2002	July		29,315.51	5,340.00	34 655 51		8,471.54	60.94	1,605.75	17,400,78	17,246.73
2002	JUN		25,610.78	5,280.00	30,890,78		6,871.50	60.30	1,605.75	00.104,01	15,689.40
2002	May		29,947.18	5,280.00	35,227.18		6,157.30	56.51 125.00	1,605.75		19,551.68
2002	50		16.311.82	5,280.00	33,396.91		5,466.54 6,640.74	64.09	1,605.75		19,494.79
2002 March		42 600 22	43,602.33	5,280.00	49,082.33		5,445.92 6,538.83	68.73 125.00	13,784,23		35,298.10
2002 February		27 769 03	10.501	5,100.00	32,869.02		5,471.53 6,517.50	17.11	13,796.89		19,072.13
2002 January		26.555.85		6,160.00	34,715.85		6,053.86	125.00	14,927.83		19,788,02
2001 December		24,554.47		0,160,00	32,714.47		4,077.36 7,031.79	125.00	12,922,21	20 402 94	19,787,26
2001 November		20,201.87	90 90	00.006.0	27,161.87		6,522.24 88.03	125.00	13,988.96	13 173 91	10.00
2001 October		19,351,18	A 040 00		27,391.18	00 000	5,349.23 73.28	125.00	13,779.26	13.611.92	
ACCOUNTING CODE		480-8000-344564	480-8000-344593		12th St. REVENUE (Sales Tax Excluded)				12th St. EXPENSES	12th St. PROFIT/(LOSS)	
LOCATION	42. Garage-2A	Relenue-Ticket	Revenue-Monthly Permits		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Security Personnel	Attendent/Cashier Labor FP&L	Elevatof Mainkenance Garage Cleaning/Maintenance			

CITY OF MIAMI BEACH PARKING DEPARTMENT 13th St. Garage PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
13th St. Garage-17A Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95,519.20
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	0.00	0.00	0.00	0.00	0.00	0.00	00.00	0.00	0.00	0.00	15,420.00
·	13th St. REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00:00	0.00	0.00	110,939.20
Expenses Security Personnel Attendant/Cashier Labor Landscape Maintenance		9,865.08 15,303.89 216.67	10,533.80 15,397.71 216.67	00.0	0.00	0.00	0.00	0.00	0.00	00:0	0.00	0.00	0.00	20,398.88 30,701.60 433.34
FP&L. Revenue Control Equipment Maintenance Elevator Maintenance Armed Guard Revenue Pickup	aintenance	1,404.98 0.00 737.00 420.00	1,404.98 750.00 312.00 420.00	00.0 00.0 00.0	0.00	0.00	0.00	0.00	0.00	00.0	0.00	0.00	0.00	2,809.96 750.00 1,049.00
Garage Cleaning/Maintenance	13th St. EXPENSES	1,450.00 29,397.62	1,450.00 30,485.16	0.00	0.00	00.0	0.00	00.00	0.00 0.00 0.00	0.00	00:0	00.00	00.0	840.00 2,900.00 59,882.78
	13th St. PROFIT/(LOSS)	26,730.72	24,325.70	0.00	0.00	0.00	00.00	0.00	00:00	0.00	0.00	0.00	0.00	51,056.42
(Fdrive/Ping/\$Pers/P&L/2004/13thstga.xls)	ı.xks)													
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187	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
Expenses	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Security Personnel Attendant/Cashier Labor Landscape Maintenance		10,242,93 14,601.28 216.67	10,602.13 21,909.69 216.67	10,541.72 14,624.04 216.67	13,658.91 15,326.91 216.67	10,514.70 14,675.83 216.67	10,220.71 14,744.77 216.67	12,820.10 14,598.18 216.67	10,737.48 14,460.50 216.67	12,861.21 21,779.99 216.67	10,423.37 14,556.50 216.67	13,306.82 14,996.27 216.67	10,177.97 15,185.54 216.67	136,108.05 191,459.50 2,600.04
FP&L Revenue Control Equipment Maintenance	vintenance	1,150.96 0.00	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Elevator Maintenance Armed Guard Revenue Pickup Garane Cleaning Maintenance		304.00 517.18	304.00	304.00 517.18	304.00	304.00	304.00	0.00	517.18	0.00	312.00 455.00	624.00 525.00	3,139.50 420.00	5,899.50 6,054.62
	13th St. EXPENSES	1,463.00 28,516.02	1,483.00 36,205.39	1,483.00 28,962.74	1,483.00 32,752.54	1,483.00 29,890.62	1,483.00 28,891.31	1,483.00 31,040.11	1,450.00 29,025.81	1,598.50 38,378.53	1,450.00 28,848.52	1,450.00 32,523.74	1,483.00 32,027.66	17,812.50 377,062.99

312,176.40

15,567.17

27,495.88

27,172.58

13,518.47

28,882.97

29,792.34

46,654.06

30,931.52

25,631.35

24,528.78

17,837.30

24,163.98

13th St. PROFIT/(LOSS)

CITY OF MIAMI BEACH PARKING DEPARTMENT 13th St. Garage PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43.317.00	47 741 10	52 219 62	20 704 B3	503 050 30
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280 00	7,800.00	7,800.00	96,180,00
Extra constant and a second a second and a second a second and a second a second and a second an	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Security Personnel Attendant/Cashier Labor Landscape Maintenance		10,242.93	10,602.13	10,541.72	13,658.91 15,326.91	10,514.70 14,675.83	10,220.71	12,820.10	10,737.48	12,861.21 21,779.99	10,423.37	13,306.82	10,177.97	136,108.05
FP&L Revenue Control Equipment Maintenance	intenance	716.67 1,150.96 0.00	216.67 1,172.72 0.00	216.67 1,276.13 0.00	216.67 1,245.87 0.00	216.67 2,179.24 0.00	216.67 1,404.98 0.00	216.67 1,404.98 0.00	216.67	216.67	216.67	216.67	216.67	2,600.04
Cinyator Maintenance Armed Guard Revenue Pickup Garage Cleaning/Maintenance		304.00 517.18 1.483.00	304.00 517.18	304.00 517.18	304.00 517.18	304.00	304.00	0.00	0.00	0.00 517.18	312.00 455.00	624.00 525.00	3,139.50 420.00	5,899.50 6,054.62
	13th St. EXPENSES	28,516.02	36,205.39	28,962.74	1,483.00 32,752.54	1,483.00 29,890.62	1,483.00 28,891.31	1,483.00 31,040.11	1,450.00 29,025.81	1,598.50 38,378.53	1,450.00 28,848.52	1,450.00	1,483.00	17,812.50 377,062.99
	13th St. PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567,17	312,176,40
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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002	2002	2002	2002	2002	2002	FY 2001/2002
13th St. Garage-17A									, and		ÁIRC	August	September	lotal
Revenue-Ticket	480-8000-344566	35,899.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,980.00	8,220.00	98,640.00
Expenses	13th St. REVENUE (Sales Tax Excluded)	45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
Security Personnel Altendant/Cashier Labor Landscape Maintenance		7,142.75 13,937.21 216.67	7,108.79 14,172.20 216.67	7,166.41 14,461.81 216.67	7,119.48 14,696.96 216.67	6,997.61 13,857.82 216.67	7,147.96 14,075.59 216.67	7,195.87 14,164.58 216.67	8,245.09	8,637.02 13,999.64	10,823.70	12,883.59	11,049.26	101,517.53
Elevator Maintenance Armed Guard Revenue Dickur		1,280.63	921.48 304.00	1,494.51 304.00	1,596.48 304.00	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	2,600.04 15,511.85
Garage Cleaning/Maintenance	13th St. EXPENSES	24,881.44	517.18 1,483.00 24,723.32	517.18 1,483.00 25,643.58	517.18 1,483.00 25,933.77	517.18 1,483.00 24,907.21	517.18 1,483.00 25,132.24	517.18 1,483.00 25,125.97	517.18 1,483.00 26,670.26	517.18 1,483.00 26,412.54	517.18 1,483.00 29,096.14	517.18 1,483.00 31,322.21	517.18 1,483.00 29.687.43	6,206.16 6,206.16 17,796.00
	13th St. PROFIT/(LOSS)	20,198.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

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CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT & LOSS STATEMENT

		2003	2003	2003	2004	2004	2004	2004	2004	2004	2004	2004	2004	FY 2003/2004
LOCATION	ACCOUNTING CODE	October	November	December	January	February	March	April	Мау	June	July	August	September	Total
feth St Anchor Garage Revenue-Ticket	463-8000-344911	76,425.24	85,206,68	0.00	0.00	0:00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	161,631.92
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	0.00	0.00	0.00	0.00	0.00	0:00	0.00	0.00	0.00	0.00	40,342.52
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00:0	54,950.00
	16th St. REVENUE (Sales Tax Excluded)	123,191.13	133,733.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	256,924.44
Expenses Security Personnel		12,428.89	10,171.83	0.00	0.00	0.00	00.00	0 0	000	900	000	00 0	000	22 600
Attendant/Cashier Labor		15,887.24	16,050.82	0.00	0.00	0.00	0.00	0.00	00.0	0.00	00'0	0.00	00'0	31,938
FP&L		3,800.00	3,800.00	0.00	0.00	0.00	0.00	0.00	0.00	00:0	000	000	000	7,600
Revenue Control Equipment Maintanance	Maintanance	775.00	775.00	0.00	0.00	0.00	00.0	0.00	0.00	0.00	000	0.00	000	1,550
Armed Guard Revenue Pickup	a	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	000	0.00	0.00	0.00	840
Elevator Maintenance		1,278.82	1,743.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0000	3.022
andscape and Lot Maintenance	JCe JCe	164.67	152.00	0.00	0.00	0.00	00.00	0.00	0.00	000	0.00	0.00	000	316
Garage Cleaning/Maintenance	a	2,924.40	2,924.00	0.00	0.00	0.00	0.00	0.00	0.00	000	0.00	0.00	000	5.848
Sanitation (Waste Removal)		171.64	171.64	0.00	0.00	0.00	0.00	0.00	0.00	000	0.00	0.00	000	343
Fire Alarm Service		250.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00'0	500.00
	16th St. EXPENSES	38,100.66	36,459.11	00'0	00.0	0.00	0.00	0.00	0.00	0.00	0.00	00:00	0.00	74,559.7
	16th St. PROFIT/(LOSS)	85,090.47	97,274.20	0.00	00.0	0.00	0.00	0.00	00'0	00'0	0.00	0.00	0.00	182,364.67

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St Anchor Garage Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	00'0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	000	00:0	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
	16th St. REVENUE (Sales Tax Excluded)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses Security Personnel		0.00	0.00	0:00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		00.0	00'0	00:00	00:0	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158,12	59,183.47
FP&L		0.00	0.00	00:00	00.0	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintanance	/aintanance	00.0	00:0	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	00'0	00:0	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		00:0	0.00	00:00	00'0	0.00	00'0	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance	Ce	00:0	0.00	0.00	00:0	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		00:0	00:0	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2.924.40	10,530.36
Sanitation (Waste Removal)		00:0	00.0	00:0	00:0	0.00	00:00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	00.0	00:0	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
	16th St. EXPENSES	0.00	00.0	00.0	0.00	0.00	00:0	0.00	00.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
	16th St. PROFIT/(LOSS)	0.00	00:00	0.00	0.00	0.00	0.00	0.00	00'0	25,526.25	93,690.88	83,607.47	76.69.97	269,594.57

CITY OF MIAMI BEACH PARKING DEPARTMENT 42nd St. Garage PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
42nd St. Garage-8A Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,114.04
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69,600.00
	42nd St. REVENUE (Sales Tax Excluded)	37,970.48	37,743.56	0.00	0.00	0.00	0.00	00:00	0.00	0.00	0.00	0.00	00:00	75,714.04
Expenses Security Personnel		8,206.59	8,797.59	0.00	0.00	0.00	0.00	0.00	0.00	0:00	0.00	0.00	0.00	17,004.18
Attendant/Cashier Labor		3,255.18	3,257.79	00:00	0.00	00'0	00:0	0.00	0.00	0.00	00:0	00:0	0.00	6,512.97
FP&L		1,805.96	1,805.96	0.00	00.0	00'0	00:0	0.00	00.0	0.00	0.00	0.00	0.00	3,611.92
Revenue Control Equipment Maintenance	laintenance	0.00	0.00	0.00	0.00	00:0	0.00	0.00	0.00	0.00	00:00	00:0	0.00	00:00
Elevator Maintenance		536.00	536.00	00:00	0.00	00:0	00.0	0.00	00:0	0.00	00'0	0.00	0.00	1,072.00
Landscape Maintenance		00:0	0.00	00:00	00.0	00'0	00.0	0.00	00:0	0.00	0.00	0.00	0.00	00'0
Garage Cleaning/Maintenance		1,796.50	1,780.00	00:00	0.00	0.00	0.00	0.00	00.0	0.00	00'0	0.00	00'0	3,576.50
	42nd St. EXPENSES	15,600.23	16,177.34	00.0	0.00	00.00	00:0	0.00	0.00	00:0	0.00	0.00	00:00	31,777.57
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	00:0	0.00	0.00	0.00	00.00	0.00	0.00	0.00	0.00	0.00	43,936.47

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481	ACCO SWITHING CODE	2002	2002	2002	2003	2003	2003	2003	2003	2003	2003	2003	2003	FY 2002/2003
	10000	Octobe	MOVEMBER	December	valinaly	reninary	Walci	Apilli	way	Sune	Junc	August	September	Local
42nd St. Garage-8A Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
Expenses	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Security Personnel		10,877.14	8,244.21	8,143.74	10,305,98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Aueridani/Cashier Labor FP&L		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78 1,805.96	2,989.97 1.805.96	4,430.24 1,805.96	2,897.94 1.805.96	3,182.84	3,082.75	37,239.97
Revenue Control Equipment Maintenance	// Naintenance	0.00	0.00	0.00	0.00	0.00	00:0	217.50	-217.50	0.00	0.00	0.00	0.00	00:0
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	936.00 0.00	936.00 0.00	536.00 182.00	536.00 0.00	536.00 0.00	536.00 0.00	3,216.00 182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

CITY OF MIAMI BEACH PARKING DEPARTMENT 42nd St. Garage PROFIT & LOSS STATEMENT

ACCOUNTING CODE 2001 2001 2001 2001 2001 2001 2001 2001 2002	Revenue-Ticket 480-800 Revenue-Ticket 480-800 Revenue-Monthly Permits 480-800 Revenue-Monthly Permits 480-800 Revenue-Control Equipment Maintenance Type Type Type Type Type Type Type Type	480-8000-344531 480-8000-344595 42nd St. REVENUE (Sales Tax Excluded) sintenance 42nd St. EXPENSES 42nd St. PROFIT/(LOSS) xis)	2,068.55 36,300.00 38,368.55 10,877.14 2,639.24 1,539.31 0.00 0.00 0.00 1,285.00 16,340.69 22,027.86	1,661.97 35,940.00 37,601.97 8,244.21 3,696.43 1,459.55 0.00 0.00 0.00 1,285.00 14,685.19 14,685.19	2002 2002 1,616.89 35,640.00 37,256.89 8,143.74 2,477.56 1,341.18 0.00 0.00 0.00 1,285.00 13,247.48	2,474.77 34,680.00 37,154.77 10,305.98 2,507.41 1,510.98 0.00 0.00 0.00 1,285.00 15,609.37 21,545.40	2003 February 6,040.17 35,160.00 41,200.17 8,690.43 3,984.97 3,178.78 0.00 0.00 0.00 1,285.00 17,139.18 24,060.99	2,375.90 34,320.00 36,695.90 36,695.90 8,230.10 2,718.84 1,805.96 0.00 0.00 1,285.00 14,039.90 22,656.00	2,602.80 2,602.80 34,440.00 37,042.80 37,042.80 10,989.83 2,631.78 1,805.96 217.50 536.00 1,285.00 17,466.07	2003 May 3,376.65 34,200.00 37,576.65 8,988.60 2,989.97 1,805.96 -217.50 536.00 1,285.00 15,388.03	2,976.64 34,680.00 37,656.64 4,430.24 1,395.97 4,430.24 1,805.96 0.00 536.00 1,285.00 1,285.00 1,285.00	2,003 Juty 2,871.04 34,500.00 37,371.04 2,887.94 1,805.96 0.00 536.00 1,796.50 16,176.74 21,194.30	2,603 2,828.05 34,500.00 37,328.05 37,328.05 11,484.72 3,182.84 1,805.96 0.00 536.00 636.00 1,786.50 18,805.02 18,502.03	2003 September 2,622.43 34,740.00 37,362.43 8,883.48 3,082.75 1,805.96 0.00 536.00 1,780.00 16,088.19	FY 2002/2003 Total 33,515.86 419,100.00 452,615.86 115,374.54 37,239.97 21,671.52 0.00 3,216.00 182.00 182.00 194,622.03 257,993.83
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480-8000-344595 21,540.00 19,500.00 18,660.00 16,380.00 17,740.00 18,660.00 18,660.00 18,620.00 18,825.7 2,403.60 18,820.00 36,380.00	12nd St. Garage-BA Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,880.75	12,211.58	marcn 1.915.21	April 2.176.52	May 3 171 A4	June 1 733 33	July 2 180 cc	August	September	Total
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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

STATUS REPORT ON THE REHABILITATION PROJECT OF THE

EXISTING BUILDING AND THE ADDITION TO FIRE STATION NO. 2

The improvements being made to Fire Station No. 2 include full historic renovation of the existing facility, and an additional facility that will include apparatus bays and living quarters. Early last calendar year, it was determined that it was necessary to construct two new water tanks and demolish the existing water tank located within the Public Works Yard before the construction on the Fire Station could begin. As a result, the water tanks and related pump station were added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Jasco subsequently submitted a Guaranteed Maximum Price (GMP) for the Water Tanks and Pump Station portion of the Project in the amount of \$4,840,933, which is within the funding allocation and acceptable to staff. Staff and Jasco negotiated the implementation of the provisos previously stated by the City Commission and completed an Agreement for the Project.

At the Commission meeting of March 19, 2003, a Resolution was presented by the Administration recommending that the GMP for the Water Tanks and Pump Station portion of the Project be accepted on the basis of the amended Agreement and the directions given by the Mayor and City Commission at the February 5, 2003 Commission meeting. The Mayor and City Commission approved the Amendment and awarded the Project to Jasco Construction, Inc., in the amount of \$4,840,933 for the Water Tanks and Pump Station portion.

Construction on the Water Tanks and Pump Station Project began on June 9, 2003. Jasco has made good progress on the installations and is currently within schedule. The completion of this portion of the Project is expected in early spring of 2004. The City has re-evaluated the previous proposal from Jasco for the Fire Station portion of the Project as previously directed by the City Commission. In addition, the CIP Office commissioned an independent estimate for the Project in order to further facilitate the evaluation of the overall costs for the new Fire Station, including the Emergency Operations Center (EOC) and the renovation of the existing historic building.

Agenda Item C

Date__*[-|4-04*

Status Report-Fire Station #2 December 10, 2003 Page 2 of 2

CIP has completed the evaluation of the Jasco proposal for the Fire Station portion of the Project and has compared it with the independent estimate. In addition, the City met with the Project's consultant, STA Architectural group (STA) in order to obtain their comments on the proposal and the estimate as well. This evaluation and review includes the suggested value engineering items proposed by Jasco as well as other possible value engineering items. CIP and STA also examined those items which Jasco stated were additional to the original scope of the Project at the time it was awarded to them. The review has determined which items are valid and have included those agreed upon in the Project. Some of these items have to do with finishes and furniture, fixture and equipment, but the more important one is the construction of the EOC which was originally not budgeted.

The City met with Jasco on November 13, 2003 in order to complete the review and evaluation process for all the costs and scope of the Project and to determine the value of a final Guaranteed Maximum Price (GMP) from Jasco. This GMP will include all items included in the STA contract documents and will be clearly separated according to the different portions of the Project. These portions are the new Fire Station, the historic building renovation, the EOC, and the necessary site work.

On November 25, 2003, Jasco presented to the City the final proposal for GMP which includes the renovation of the existing building, the construction of a new fire station including the EOC, and the necessary modifications to the site as planned. On December 10, 2003, the City Commission approved the Guaranteed Maximum Price, in the amount of \$8,096,580, awarded the contract to Jasco, and appropriated the additional funding necessary to complete the Project. The timetable for the construction of the new Fire Station, etc. is to begin immediately after the completion of the Water Tanks and Pump Station Project in the Spring of 2004.

Currently the Administration and the City Attorney's Office are working with the attorney for Jasco to complete the scope definition and the parameters of the Agreement. The Agreement will be presented to the City Clerk and Mayor for execution once completed.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: January 14, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

STATUS REPORT ON FIRE STATION NO. 4 PROJECT

Past Events

The City Commission, on July 2, 2003, issued a directive to the Administration to pursue the Certificate of Appropriateness for Demolition of the existing building. The Historic Preservation Board (HPB) approved a motion to recommend to the City Commission that the building be demolished. The HPB also approved a motion authorizing the revisions to the previously approved new building, and added some requirements with regard to landscaping, breeze block, monument, and curb/swale/sidewalk configuration.

At its meeting of September 10, 2003, the City Commission considered the HPB recommendation and approved a resolution setting a public hearing to consider granting a Certificate of Appropriateness for Demolition. This is the same process utilized by the HPB when it considers the demolition of a historic building. On October 15, 2003, the City Commission held a public hearing and voted to approve a Certificate of Appropriateness for the demolition of the fire station.

The Consultant has developed and submitted drawings for the full demolition of the existing fire station. Carivon Construction Inc. was selected through the Job Order Contracting (JOC) Program to demolish the existing building. The drawings for the demolition of the existing fire station have been approved. However, due to the ordinance requirements regarding demolition of structures within historic sites, a demolition permit cannot be issued, and the City cannot demolish the existing Fire Station building until a building permit on the new Fire Station is issued. As soon as the plans for the new Fire Station are approved by the Building Department, estimated to be the end of December 2003 or early January 2004, Carivon has agreed to pull the permit on the new building and to demolish the existing building. This means that demolition is estimated to occur in January 2004, but this date is dependent upon the Building Department review process noted above.

Status Update

The construction drawings for the new fire station were submitted to the City's Planning Department on October 27, 2003 for preliminary review and permitting in accordance with the previously reported schedule. The Planning Department has reviewed the construction drawings, and issued a few comments. The drawings have also been reviewed by the Building Department, who also issued a few comments. The consultant is coordinating a response to address the comments still outstanding for final review and permit, and will

Agenda Item D

Date 1-14-04

City Commission Memorandum January 14, 2004 Status Report on Fire Station No. 4 Project Page 2 of 2

resubmit the construction drawings as appropriate.

The seawall restoration at the Fire Station No. 4 site is also being added to the project. The construction drawings for the seawall restoration are nearing completion and will likely also be permitted in the same time frame. The restoration will be added to the bid documents for construction under the same contract, which provides greater efficiency. This portion of the project is being funded by the Shoreline and Seawall Rehabilitation Program portion of the General Obligation Bond.

It is anticipated that the bid for construction of the new fire station and seawall will be issued in late January or early February 2004, with construction to start hopefully in March or April 2004.

JMG#RGM/T#I/klm

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: January 14, 2004

From:

Jorge M. Gonzalez

City Manager

ager | med

Subject:

STATUS REPORT ON THE SCOTT RAKOW YOUTH CENTER

On December 12, 2003, the CIP Office issued a notice to proceed to F&L Construction, allowing the contractor to commence work on the outstanding items needed to obtain a Temporary Certificate of Occupancy (TCO). To get the contractor working quickly, the proposal was broken down into two parts: one including short lead time items that could be started immediately, and a second part including longer lead time items.

Work on the first portion of the proposal began on December 16, 2003, and is expected to be completed by the first week in January 2004. As of the writing of this memo, F&L has already completed numerous items necessary for TCO, including:

- Level floor at restroom entrance
- Install ADA signs at restrooms
- Installation of cores (door locks) throughout facility
- Construct temporary ADA ramp at viewing area
- Construct enclosure for phase II materials left on site
- Insulate A/C ducts that exhibit condensation beneath dehumidifier
- Construct partition wall to separate ticket booth from gymnasium
- Inspect and tighten bolts for heat wheel catwalk
- Replace battery packs for emergency lights
- Relocate exit sign at gymnasium
- Install emergency lighting on north exterior wall

The second part of the proposal consists of longer lead-time and more complex items that require materials to be special ordered and/or coordination with multiple sub-contractors. It is expected that work on the second portion will commence by the second week in January, and continue for six weeks. The Building and Fire departments have been working with CIP to expedite the issuance of a TCO, and have identified a number of items on this list, which can be finished after obtaining a TCO, but before obtaining a final CO. The items in the second half of the proposal include:

- · Construction of decorative fins on building exterior
- Relocation of an A/C condenser unit to roof top of ticket booth
- Relocation of FP&L louver to building exterior
- Relocation of bathroom exhaust to building exterior
- Installation of clear dasher boards to allow for ADA visibility
- Construction of north exit egress sidewalk

Agenda Item	E
Date	1-14-04

City Commission Memorandum January 14, 2004 Status Report – Scott Rakow Youth Center Page 2 of 2

- Insulation of hot ammonia line on rooftop
- Installation of A/C condensation line of rooftop unit
- Modification of interior bathroom partition to comply with minimum ADA clearance
- Installation of automatic door openers or relocation of wall at exterior bathroom
- · Additional screening for rooftop mechanical equipment
- Replacement of dead trees
- Installation of missing landscaping
- Test and balance of chiller room A/C (may require additional ventilation)
- Complete louver installation from 2nd story mechanical room at building entrance
- Punch list items, including painting

On Friday, December 19, 2003, Building Department inspectors from every discipline and the Fire Inspector met on site with CIP and the new contractor to review the items required for TCO. It was determined that a TCO could be granted more expeditiously, if certain restrictions could be imposed. Such restrictions include the exclusion of exterior bathrooms and the ticket booth area from the TCO, eliminating the use of one emergency exit, and limiting the number of occupants to 150 people.

The exterior bathrooms will remain closed due to an ADA issue involving a minimum clearance of 18" between the edge of a door and an adjacent wall. Only 12" of clearance exists because one of the walls was built in the wrong location. Since correcting this problem will likely require relocation of the wall, the bathrooms will remain closed until the work is completed, allowing a TCO to be granted in the meantime.

The ticket booth area will also be excluded from the TCO because a number of mechanical problems exist in that area, including a louver and bathroom exhaust that must be relocated to the exterior of the building. Since the louver provides ventilation to an FP&L vault, the work must be coordinated with FP&L and is expected to take several weeks to complete.

The emergency exit to the north of the ice rink opens to a grassy area that slopes down to the adjacent street. The fire code requires that an exit shall lead people safely to a public way, which in this case is the adjacent street. The slope of the grassy area outside the exit exceeds the maximum slope allowable. Therefore, a concrete sidewalk with steps and handrails down to the street must be provided. This will require a plan to be developed by the engineer, to be submitted to the Building Department for approval prior to construction. Because this process will take several weeks to complete, the exit will be eliminated from public use until the sidewalk is built. The remaining two exits will serve the project, but the occupancy load will in turn have to be limited to 150 people.

The CIP Office will keep the Commission updated as appropriate.

JMC/PCM/Ty/mb
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CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION **MEMORANDUM**

Grade Abarde

TO:

MAYOR AND COMMISSIONERS

CC:

JORGE GONZALEZ

CITY MANGER

FROM:

MATTI H. BOWER

COMMISSIONER

DATE:

December 3, 2003

RE:

For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the November 11, 2003 PACT Board Meeting. I have also included the agenda for the upcoming meeting on December 9, 2003.

MB/lw

Agenda Item Date

Minutes of the Board Performing Arts Center Trust Tuesday, November 11, 2003 Temple Israel of Greater Miami

A meeting of the Performing Arts Center Trust was held at Temple Israel of Greater Miami, 137 Northeast 19th Street.

IN ATTENDANCE:

Matilde Aguirre Stanley Arkin Stuart Blumberg Sonia Burini Roger Carlton Bruce Davidson T. Willard Fair James Herron Robert Ingram Elizabeth Ruth Johnston Fred Joseph Betsy Kaplan Susie Krajsa I. Stanley Levine Florene Litthcut Juan Loumiet **Denise Mincey-Mills** Antonio Roca Richard Shack Penny Thurer Parker Thomson **Judy Weiser** David Wilson Velia Yedra

ABSENT:

Matti Herrera-Bower Ruth Greenfield Nancy Liebman Jay Pons Rep. Marco Rubio Mario Ernesto Sanchez Rosa Sugrañes Carole Ann Taylor Cindi Zilber

PACT:

Michael Hardy
Elaiza Irizarry
Judy Litt
Justin Macdonnell
Adriana Perez
Teresa Randolph
Valerie Riles Robinson

PACMO STAFF:

Gail Thompson Mercedes Sosa Ola Aluko Willie Peña

OTHERS IN ATTENDANCE:

Gilbert Cabrera, Office of the Chair, Board of County Commissioners
John Caliste, Performing Arts Center Foundation
Tom Derrington, Architects International, Inc.
Homero Dominguez, Architects International, Inc.
Gilbert Henric, Architects International, Inc.
Nancy Herstand, Performing Arts Center Foundation
Bill Johnson, Asst. Miami-Dade County Manager
Ann McNeill
Jodi Paradise, Thorp and Co.
Shannon Pettypiece, Miami Today
Ivan Rodriguez, Miami-Dade County Art in Public Places
Fred Tasker, Miami Herald
Doug Tober, SMG, Miami Beach Convention Center
Randy Volenec, Cesar Pelli & Associate

Performing Arts Center Chairman, Parker Thomson called the meeting to order.

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Mr. Thomson introduced two new PACT Board members, Roger Carlton and Velia Yedra. Roger Carlton formerly served as the City Manager for the City of Miami Beach and as a Miami-Dade County Assistant Manager. He also has worked extensively in the private sector. Velia Yedra has served as Mayor of West Miami since 2002. She is an accomplished concert pianist and has a doctorate in Music Arts from the University of Miami. She is a board member of the Dade Cultural Alliance and artistic advisor to the Cuban Museum.

Mr. Thomson announced the resignation of Alan Bernstein, the Florida Philharmonic representative to the PACT Board. Mr. Bernstein will continue serving on the Finance Committee.

Request for Excused Absences

Teresa Randolph requested retroactive excused absences for the September 9, 2003 meeting for Parker Thomson, Denise Mincey-Mills and James Herron who were out of town. She requested retroactive excused absences for the October 14, 2003 meeting for Stanley Arkin, Denise Mincey-Mills and Jay Pons who were out of town and for Matti Herrera-Bower, Florene Litthcut and Penny Thurer who were ill. She requested excused absences for the November 11, 2003 meeting for Mario Ernesto Sanchez, Carol Ann Taylor, Nancy Liebman, and Ruth Greenfield who are out of town. A motion to accept the excused absences was made by Stu Blumberg and seconded by Robert Ingram. The motion passed unanimously.

Approval of Minutes

A motion to approve the October 2003 minutes was made by Robert Ingram and was seconded by Denise Mincey-Mills. The motion passed unanimously.

Parker Thomson stated that Construction and Executive Committees met yesterday. The Committees' chairs agree that because of time constraints, it is difficult to have in depth discussions when the committee meetings are combined. Mr. Thomson stated that the Executive and Construction Committee meetings will no longer be combined.

Mr. Thomson reminded Board members that it is the Construction Committee who approves change orders and forwards them to the full Board. He emphasized that the work of the Construction Committee is of extraordinary importance and strongly urged all Board members to attend the Construction Committee meetings so that they can understand the details of the construction issues.

Construction Committee Report

Stanley Arkin reported that a new quality control program is being implemented by PACB. Under this new program a number of the concerns raised by PACMO should be corrected. The acoustician had an on site meeting with the contractor and was satisfied that the quality of work is improving.

Mr. Arkin stated that the acoustician and the architect are considering the remediation remedies for the reverberation chamber doors. The stone installation was scheduled to begin yesterday (November 10, 2003) on the exterior of the building. Mr. Arkin stated that Board members have expressed concern that the exterior stone has been taken off the critical path. Mr. Arkin explained that the stone is not critical to the enclosing of the building and that it is merely skin that goes over the structure and masonry. At yesterday's meeting Tom Derrington made a brief presentation concerning the stone schedule and the phasing sequence of installation.

Gail Thompson stated that PACMO has acquired additional assistance to work with the project schedule. For the next 90 days PACMO will review the schedule and work with PACB on developing a complete schedule that will establish a firmer completion date. Ms. Thompson recommended that the Board allow PACB to make a presentation concerning the critical path portion of the schedule at the February Board meeting.

Sixty-six change orders have been approved by the Board of County Commissioners. The change orders were mostly deductive for the direct material purchase program and for value engineering resulting in a total sum deduction of \$38 million.

 The tax savings program has been successful. With the 68th change order which will be presented at the next Construction Committee meeting, the program will have met its goal. Any future deductive change orders relative to the tax savings program will exceed the goal and consequently provide additional savings.

 Ms. Thompson stated that PACMO is pleased with the quality control program presented by PACB. Implementation is still a concern but PACMO is cautiously optimistic. PACB has added two individuals to assist with the quality control issues. Bob Laramie will serve as the quality control oversight person and will head a quality control team consisting of representatives from PACMO, PACB and CP&A. The team will collectively monitor the project. Ron Austin has also been brought on board to do an overall assessment of PACB's operation. Mr. Austin has extensive performing arts center experience. He served as project executive for the Cincinnati Performing Arts Center and the Dayton Performing Arts Center.

Stu Blumberg encouraged fellow Board members to attend the Construction Committee meetings. At this stage of the project it is critical that Board members find time to attend and participate in the Construction Committee meetings rather than getting an update every thirty days at the Board meeting. Parker Thomson added that Board members are notified of all committee meetings and all are welcomed to attend.

Ola Aluko presented a construction progress report.

Sanford and Dolores Ziff Ballet Opera House

The curtain wall tube steel was erected and the installation of the overhead mechanical, electrical and fire protection equipment will continue throughout the month. Waterproofing activities on the north exterior façade will commence during the first week of the month and installation of the stone will follow within the same week. Stone installation is scheduled to last eighteen months. Steel erection on the west side of the building will also commence during the first week of the month.

Carnival Symphony Hall

The erection of the curtain wall tube steel and "drop off" canopy is nearing completion. Metal decking installation on the roof and canopy areas will be ongoing throughout the month. Installation of masonry has commenced on the third tier level. The installation of mechanical, electrical, fire protection and plumbing rough-in at the back-of-house administrative offices and dressing rooms will be ongoing throughout the month. Remedial foundation work at the west and north side of the building is scheduled to commence during the second week of the month.

Randy Volenec from Cesar Pelli & Associates (CP&A) gave an update on the reverberation chamber doors. In the spring of 2003 the doors were cast and upon inspection, CP&A found the quality to be unacceptable. The exterior of the doors will be covered with wood but the concern is the interior of the doors that face into the chambers. CP&A's design requires a smooth finish in order to have superior structural, aesthetic and acoustical properties. In an attempt to rectify the problem, the subcontractor sand blasted all of the doors. The sand blasting created acoustical problems because the surface does not allow proper reverberation. All 84 doors require some degree of remedial work. The subcontractor is working on various processes to correct the doors. If the doors do not meet the architect's and acoustician's approval, the doors will be recast. The doors are not on the critical path and PACB is committed to getting them correct.

Antionio Roca asked about the status of the PACB contract amendment. Gail Thompson responded that PAMCO is not currently pursuing the amendment

modifications but all contract amendments will be brought before the Construction Committee in a future meeting.

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Ivan Rodriguez, Director of Miami-Dade Public Places, gave an update of the Art in Public Places (APP) projects. There are two new projects. Robert Zakanitch has been commissioned to design the organ scrim and a video artist has been commissioned to prepare a documentary chronicling the entire APP process as it relates to the Performing Arts Center project. The documentary will begin with the fabrication stage and conclude with the Center's opening night.

9 10 11

The project updates are as follows.

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 Robert Zakanitch will present samples of the curtains at a Construction Committee meeting in the near future.

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Cundo Bermudez's project is approximately 60% complete.

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Gary Moore has presented terrazzo samples. Stone for Anna Murch's fountains and benches has been selected.

17 18 A meeting with Jose Bedia is scheduled to discuss the new color selections for the lobby floors and the quality anticipated from the terrazzo subcontractor.

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Mr. Rodriguez would like to make a more detailed presentation to the PACT Board early next year. Parker Thomson stated that this is the only performing arts center in the U.S. that has public art integrated into the architectural design of the building.

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Ivan Rodriguez stated this is the 30th anniversary of the Art in Public Places program in Miami-Dade County. A celebration is scheduled to be held December 11, 2003 and all PACT Board members are invited.

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Inspector General's Report

Carnival Symphony Hall.

31 32 Bill Johnson advised the Board that the quality control report will be issued on Thursday. Copies of the report will be distributed to Board members.

discussing having the December PACT Board meeting on the stage of the

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Executive Committee Meeting Report Parker Thomson announced that Michael Hardy and Gail Thompson are

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The Executive Committee has decided to be proactive concerning the Biscayne 39 Boulevard reconstruction plan. The Florida Department of Transportation (FDOT) 40 has not developed a plan for the area between 13th Street to 36th Street. Bill 41 Johnson will arrange a meeting with the Secretary of FDOT to discuss various 42 43 options.

President's Report

On October 23 the Knight Foundation Grant Steering and Review Committees held a full-day retreat. The retreat is the culmination of the first phase of the Knight Foundation grant. The purpose of the retreat was to make determinations concerning the second phase of the Knight Foundation grant funding which totals \$1 million. The intent of the grant is to provide a means for organizational stabilization, artistic readiness, marketing proficiency and efficient management structure for the Resident Companies and the PAC.

Three collaborative initiatives were agreed upon. 1) a financial stabilization strategy that would develop an independent fund to be used to match Resident Company efforts to achieve financial stability over a ten-year period. 2) a ticketing initiative that will allow the PAC and three of the Resident Companies to purchase and manage the same ticketing system 3) a need for professional development amongst Human Resource staffs. Each Resident Company and the PAC also presented specific proposals for which they would like to receive funding.

Dr. Hardy announced that in mid-December the PACT will bring Gail Eaton on board as the Director of Marketing. Ms. Eaton has served as Director of Marketing and Communications for the Pittsburgh Cultural Trust and is participating via long distance in the branding strategy process with Pentagram and Turkel & Associates. The two firms will be working with a committee to develop a branding strategy and a graphic image that will represent the PAC.

A copy of the proposed scheduling policy changes was distributed. The policy changes have been reviewed by the Executive Directors of the Resident Companies and Juan Loumiet, Chairman of the Management Committee. There are two significant changes to policies: 1) the Resident Companies have agreed to reserve for the PAC's use, seven weeks for the presentation of a Broadway Series. 2) the Resident Companies have agreed to jointly develop the season schedule with the PAC. A minor change adds a coin flip as a method to settle conflicts.

Stu Blumberg expressed concerns about the coin flip method for resolving conflicts. Mr. Blumberg stated that the current policy requires that conflicts be heard before the Management Committee and then brought before the full PACT Board. He also expressed concerns about how conflicts regarding released dates are resolved. Juan Loumiet reiterated that the Executive Directors of the Resident Companies have reviewed and agreed to the proposed changes and that the most crucial part of the amendment is the Resident Companies' agreeing to release the seven weeks for the Broadway Series. The release of these weeks is critical to the economic survival of the PAC. A motion to accept the proposed changes was made by Juan Loumiet and seconded by I. Stanley Levine. After a lengthy discussion the motion carried. Twenty-one members voted yes with one member voting no.

Stu Blumberg suggested the Construction Committee meeting report be moved to the end of Trust meetings to allow adequate time for the President's Report.

The issue of the Florida Philharmonic was addressed. The following motion was made by David Wilson and seconded by Sonia Burini.

Whereas the Florida Philharmonic Orchestra has cancelled its season for 2003-04, terminated its employment of all musicians and administrative staff, and filed with the United States Bankruptcy Court under Chapter 11, now therefore the Board of the Performing Arts Center Trust finds that the orchestra can no longer fulfill its obligations to the Center as a Resident Company. Therefore, the Board hereby resolves to terminate the Resident Company rights and privileges previously accorded to the Florida Philharmonic Orchestra and directs the President to prepare the appropriate amendments to its Articles of Incorporation and the Management and Cooperation Agreements with Miami-Dade County and the Performing Arts Center Foundation.

The motion passed unanimously.

Dr. Hardy distributed a concept paper that summarized the Digital Media Arts Center project. Staff has been in communication with Massachusetts Institute of Technology (MIT). The project will cost \$100,000 to implement but has the potential to generate significant earned revenue for the Center.

Dr. Hardy introduced Jodi Paradise from Thorp and Company. Thorp and Company has been hired as the public relations firm for PACT, PACMO and PACF.

Justin Macdonnell will make a presentation at the January meeting concerning upcoming programming. Mr. Macdonnell has already established partnerships with Arts for Learning, Miami-Dade Public Schools, the Miami-Dade Metro Zoo and the Rafael Penalver Clinic in Little Havana.

PACT Board Members Reports

James Herron invited fellow Board members to the performance of La Traviata by the Florida Grand Opera. Opening night is Saturday, November 15, 2003.

Meeting adjourned.

Reported by,

Valerie Riles Robinson

AGENDA PACT BOARD MEETING TUESDAY, DECEMBER 09, 2003 TEMPLE ISRAEL of GREATER MIAMI 137 NORTHEAST 19TH STREET THE KAHN ROOM 8:30 AM

- Request for Excused Absences
- Approval of Minutes
- III. President's Report, Michael C. Hardy, PACT President and CEO
- IV. PACT Committee Reports
 - A. Executive Committee
 - B. Finance Committee
 - C. Construction Committee
- V. The Miami Space Time Project
- VI. Reports
 - A. Performing Arts Center Foundation
 - B. Department of Cultural Affairs
 - C. PACT Board Members
- VII. Other Business

The next "Hard Hat" Performance will be on Friday, December 12, 2003, 12 Noon, on – site, featuring Oriente.



Colifor

CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION **MEMORANDUM**

TO:

MAYOR AND COMMISSIONERS

CC:

JORGE GONZALEZ

CITY MANGER

FROM:

MATTI H. BOWER

COMMISSIONER

DATE:

December 10, 2003

RE:

For Your Information-Provided by the Performing Arts Center Trust

Attached please find information regarding the Inspector General's Report.

MB/lw

03 DEC 10 4M 10: 01

Agenda Item

PERFORMING ARTS CENTER OF GREATER MIAMI

1444 Biscayne Boulevard · Suite 202 Miami, Florida 33132 Tel: 305.372.7611 · Fax: 305.372.7659



November 14, 2003

To: Board of Directors, PACT

From: Michael C. Hardy

Re: Inspector General's Report

As you may have read in the press November 14, the Office of the Inspector General released its report dealing with PACB's quality control program on November 13. The report was issued with the following components:

Cover Memorandum and Summary	7 pages
Complete Report	39 pages & exhibits
Modified Appendix	c. 50 pages
Full Appendix	c. 150 pages

All PACT Board members are entitled to receive all the information contained in these reports and appendices. However, anticipating that everyone may not want or need an individual copy of the full 200 page work, we are enclosing here the cover memos (including one from the County Manager) and the seven page summary. We will be happy to send the remaining portions of the report to anyone requesting it, and the master copies are also available for perusal in the Trust offices.

Many thanks.



TO:

Honorable Alex Penelas, Mayor

DATE:

November 14, 2003

Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

FROM:

George M. Burges

County Manager

SUBJECT:

OIG Final Audit Report

Performing Arts Center Builders' Quality Control

Program

The Inspector General has issued its final audit of Performing Arts Center Builders' (PACB) Quality Control Program for the Performing Arts Center project. As you know, quality control concerns in the construction effort have been the subject of public discussion in recent months, both related to this pending report and other expressed concerns by County staff and the Performing Arts Center Trust.

First, let me state that I am pleased with the thoroughness of the Inspector General's report and take very seriously the findings contained within it. The County, along with its private sector partners, is focused and committed to ensuring that the Performing Arts Center construction will be completed to the highest standards of excellence, both aesthetically and acoustically. With that in mind, I have laid out specific requirements which PACB must meet in order to demonstrate its commitment to quality in construction. These include adding personnel dedicated to meeting our quality mandate, and ultimately, and most importantly, adhering to the letter and intent of the revised Quality Control Program.

PACB's revised Quality Control Program is designed to improve quality and reduce the number of construction deficiencies. We have reviewed this new program and believe that, if properly executed, it will effectively address prior deficiencies. In addition, PACB has added staff resources to specifically address quality control. Ron Austin, construction project executive for two completed Pelli-designed performing arts centers, has joined PACB's on-site construction team in an oversight role reporting directly to the PACB principals. These are certainly positive steps. And, while we are cautiously optimistic that we will see significant improvements as a result of these steps, the County will continue to scrutinize the maintenance of these new commitments by PACB. The County and the project architect will continue to work with PACB to accomplish the desired quality in the construction of the project. I would also request that the Office of the Inspector General continue to monitor the implementation of the Quality Control Program to confirm that these issues have been fully addressed.

Honorable Alex Penelas, Mayor Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners Re: OIG Final Audit Report - Performing Arts Center Quality Control Program November 14, 2003 Page Two

While our number one priority in constructing this important community asset is to ensure that quality of workmanship is never compromised, there are other serious issues confronting this project. My staff and the County Attorney's Office are presently working with PACB and the project architect, Cesar Pelli and Associates to address the concerns. It is my goal to report to you on the progress made and to recommend a course of action to get this project back on track on December 16, 2003. I have requested that Assistant County Manager Bill Johnson meet with each of you at your convenience to brief you on our work.

c: Robert Ginsburg, County Attorney
Christopher R. Mazzella, Inspector General
Bill Johnson, Assistant County Manager
Parker Thomson, Chair and Members of the Performing Arts Center Trust Board
Gail L. Thompson, Project Director, Performing Arts Center Management Office
Michael Hardy, President and CEO, Performing Arts Center Trust

Biscayne Building 19 West Flagler Street, Suite 220 Miami, FL 33130 Phone (305) 375-1946 Fax (305) 579-2656 www.MiamiDadelG.com

Office of the Inspector General Miami-Dade County

Cover Memorandum & Summary

To: Honorable Alex Penelas, Mayor

Honorable Chairperson, Barbara Carey-Shuler, Ed.D and Members, Board of County Commissioners

From: Christopher Mazzella

Inspector General

Date: November 13, 2003

Re: OIG Final Audit Report on the Performing Arts Center Construction's Manager Quality

Control Program

As part of the Office of Inspector General's (OIG) on-going oversight of the construction of the Performing Arts Center of Greater Miami (PAC), please find attached the OIG's final audit report on the Construction Manager's, Performing Arts Center Builders' (PACB), Quality Control Program (QC Program). The Program requires PACB, under its contract with Miami-Dade County (the County), to provide construction management services during the building of the Performing Arts Center of Greater Miami (PAC).

An executive summary of audit findings and an analysis of several other relevant issues raised by the respondents in their response to the draft report follow.

The OIG thanks and appreciates the courtesies, cooperation and patience extended by PACB, its subcontractors, The Architects Hall Designers, Inc., Cesar Pelli & Associates and County staff to the OIG in the course of this audit.

cc: Mr. George Burgess, County Manager

Mr. Parker Thompson, Chair and Members of the Performing Arts Center Trust Board c/o Mr. Michael Hardy, President and CEO, Performing Arts Center Trust

Mr. Robert A. Ginsburg, County Attorney

Mr. Bill Johnson, Assistant County Manager

Ms. Gail Thompson, Project Director, Performing Arts Center Management Office

Ms. Cathy Jackson, Director, Audit and Management Services

Mr. James A. Gray, Project Principal, Performing Arts Center Builders

Mr. Luis Simon, Project Executive, Performing Arts Center Builders

Mr. Neil Hall, President/CEO, The Architects Hall Designers, Inc.

Mr. Randolph J. Volence, Cesar Pelli & Associates, Inc.

Clerk of the Board (copy filed)

OFFICE OF THE INSPECTOR GENERAL EXECUTIVE SUMMARY

Final Audit Report Construction Manager's Quality Control Program November 13, 2003

On September 4, 2003, the OIG issued a Draft Audit Report to PACMO and PACB representatives along with a request that they provide written responses to the report.

The audit report includes sixteen (16) findings and nineteen (19) recommendations. A table specific to the enumerated audit findings is found in the report's Table of Contents.

PACB, in its written response to the OIG's Draft Audit Report, agreed with seven (7) of the findings. Of the remaining nine (9) findings, PACB either disagreed that there was a finding or did not clearly state its position. In some cases, PACB responded to the finding heading but then did not address the recommendation(s). In several other instances, PACB refers to its *Revised Quality Control Program*, which is stated to address the identified concern. PACB's full response, including an executive summary of its revised QC Program, is appended to the Final Audit Report (Appendix A). In addition, the OIG has inserted PACB's exact comments to the report's specific findings/recommendations immediately after the corresponding report sections and, as deemed appropriate, OIG comments follow those comments.

PACMO's initial response comprised of a cover memo and a substantial amount of attachments documenting its concern about the effectiveness of PACB's QC Program and included comments to the Draft Audit Report prepared by the Owner's architect, Cesar Pelli & Associates (CP&A). CP&A's response also included a cover memo and a number of attachments. PACMO did not provide a response specific to each of the audit's findings. PACMO's response is appended to this Final Audit Report (Appendix B).

On October 10, 2003, PACMO forwarded to the OIG a supplement to its earlier response. This supplement was a CP&A prepared analysis of PACB's *Revised Quality Control Program Overview*, which PACB initially submitted to the County on September 29, 2003. PACMO's supplemental response is appended to the Final Audit Report (Appendix C).

* * * * * *

¹ PACB distributed this *Revised Quality Control Program Overview* after the OIG issued its Draft Audit Report. On October 10, 2003, PACB distributed a *Revised Quality Control Program Manual* to PACMO and CP&A. PACB states that the policies and procedures described in the revised manual address the issues raised by the OIG. PACMO and CP&A are evaluating the manual's contents and will meet with PACB in the near future to discuss the results of their respective evaluations.

OFFICE OF THE INSPECTOR GENERAL EXECUTIVE SUMMARY

FINAL AUDIT REPORT CONSTRUCTION MANAGER'S QUALITY CONTROL PROGRAM NOVEMBER 13, 2003

PACMO / CP&A Responses and OIG Comments

PACMO statements, in its initial response, indicate its agreement with the OIG's assessment about the status of PACB's QC Program. PACMO then goes further in critiquing PACB's QC Program by stating, "the failures in the field were indicative of an inadequate program and/or poor implementation of the program" and not just the result of poor record keeping and reporting practices, which is one of the central themes underlying the OIG's findings.

While the OIG Audit found that there is, at present, an insufficient number of qualified QC personnel (Audit Finding No. 4) and recommended that PACB augment the current QCORG staffing (Audit Recommendation No. 5), PACMO suggests that PACB should increase the number of its construction site supervisory staff. According to PACMO, "Understaffing supervision of the work has a direct impact on the quality of the work."

CP&A, in its report comments states, "We do not take issue with the conclusions of the Report, as the findings are well documented and consistent with our experience." CP&A's response contains the following cogent response that echoes and then expands on a major point made by the OIG auditors concerning PACB's QC Program implementation.²

"This abdication of primary responsibility by PACB [to conduct and document required QC inspections] has proven, in CP&A's opinion, to be wholly unsatisfactory. Most subcontractors have limited QC administrative experience and the result is an inconsistent array of reports or information contained within the reports. In addition, without proper oversight and monitoring by PACB, the concept of self-monitoring and self-correcting is subject to the subcontractor's interpretation of acceptable work. These interpretations of acceptable work vary widely between subcontractors, and inevitably lead to a measure of acceptability by all of the lowest common denominator."

² This sentiment is found expressed in OIG audit findings and corresponding recommendations numbers: 1, 2, 3 and 4 (referencing organization and administrative issues) and numbers 9, 10, 11 and 12 (referencing poor inspection record keeping and reporting).

FINAL AUDIT REPORT CONSTRUCTION MANAGER'S QUALITY CONTROL PROGRAM NOVEMBER 13, 2003

PACMO's supplemental response, which, as previously stated, is CP&A's analysis of PACB's *Revised Quality Management Plan Overview*³ shows CP&A's continued concern about PACB's assessment of its QC-related efforts and objectives as reported in its *Overview*. CP&A's comments again center on the two issues mentioned earlier: (1) PACB's field staff size and (2) PACB's responsibility to implement and maintain a satisfactory (to the Owner) QC Program. Both are highlighted below.

"PACB's stated objectives . . . fail to reach the heart of the problem with the QC Program; that is, monitoring of the work put in place . . . by an adequate number of highly qualified and skilled field personnel . . . "

PACB "continues to avoid ultimate responsibility for Quality Control issues pertaining to deficient or non-compliant work placed in the field . . . PACB must not abdicate their responsibilities to create and maintain an effective [QC] program . . . PACB's organization charts and commentary related to the proposed 'distribution of overall project quality responsibilities' . . . cannot diffuse PACB's contractual obligations to establish, provide, and maintain and effective Quality Control Program."

PACB Response and OIG Comments

PACB begins by asserting that the audit "did not address the actual quality of the work." This is a true statement. This audit did not test for the actual quality of work. Auditors did not inspect poured concrete, test the structure's acoustics or evaluate the quality of the work itself. PACB goes on to state that "the Response and recent inspections of the Project demonstrate the level of quality of the work is high and the commitment of PACB and its subcontractor's [sic] to the delivery of quality work is beyond question." PACB continues with this theme throughout its response provided to the OIG.

³ Attachments to the Final Audit Report include two (2) versions of this document. The version referenced in, and attached to, CP&A's analysis, dated October 7, 2003, is the September 29th version tendered to the County and entitled *Overview*. The version directly received by the OIG from PACB as part of its response to the draft audit and entitled *Executive Summary*, dated October 10, 2003, reflects a later version prepared after PACB received some preliminary comments from PACMO/CP&A.

Final Audit Report Construction Manager's Quality Control Program November 13, 2003

According to PACB:

"The quality of the work is very high and will not be compromised . . . Over 99.8% of the work in place meets or exceeds the quality expectations of the project. This minor amount of 'out of tolerance' work has not and never did compromise structural integrity or the acoustical performance of the project. In the end, the project will be 100 percent in accordance with the quality expectations."

Despite PACB's assertion, the OIG does question PACB and its subcontractors' commitment to quality control. PACB's attempt to minimize the importance of inspection documentation in its response to the audit and in context of the actual amount of out-of-tolerance work to date signals its willingness to accept less than the high quality work product demanded by this project. To illustrate this point is a very telling statement made by PACB in its Introduction and Summary section of its response, which we believe indicates, more graphically than anything in the OIG's report, PACB's approach to quality control.

"Many of these [deficiency notices⁴] were initiated by PACB or its subcontractors and all are being corrected in accordance with procedures approved by the architect . . ."

Why then are PACB and its subcontractors noticing major construction deficiencies after the fact? What is the effectiveness of a QC Program if it is not catching these quality related issues while the work is in progress? The A/E does not issue deficiency notices for minor "out of tolerance" work. The fact that these significant deficient conditions may be fixed does not rationalize their existence or minimize their impact on the construction process. PACB should clearly explain how it allowed these deficiencies to occur in the first place, in the context of its QC Program.

Another statement by PACB attempts to reassure this report's readers that "[t]he procedure issues raised by the OIG have neither delayed construction nor added cost to the County." However, this is a meaningless statement and is unresponsive to the audit's findings, as the OIG never attempted to connect these issues. The OIG does not believe that the Owner ever anticipated having to choose between a well-run, well-documented QC Program at the

⁴ PACB also mentions the eleven (11) deficiency notices issued by the A/E through May 2003 as reported in the audit. The OIG notes that since then, however, the A/E has issued an additional thirty (30) deficiency notices, including some related to issues surrounding the acoustical properties and others regarding the structural integrity of the buildings

FINAL AUDIT REPORT CONSTRUCTION MANAGER'S QUALITY CONTROL PROGRAM NOVEMBER 13, 2003

expense of cost or time budget increases. When this project will be completed, and at what cost, has been and will continue to be subject to much discussion. There should be no discussion, however, as to this project's quality requirements and the need for PACB to be able to demonstrate and document that its construction processes are ensuring quality work at every step from notice to proceed through substantial completion.

PACB, in its cover memo, makes two statements on what it regards as the major impediment on this project.

"We look forward to the opportunity to address what we believe to be the biggest threat to the success of this important project—the inability to comply with contractual time frames to resolve the serious defects in the design documents for the project.

Deficiencies in the design have been and remain the biggest threat to the timing and cost of the completion of the Performing Arts Center. Significant improvements in the Quality of the Design Documents is [sic] critical. Time and again the design documents provided have failed to meet the quality standard that this project deserves."

To the extent that the OIG audit was, in PACB's words, about the QC "process . . . the paperwork and administration side of things," the OIG questions the relevance of PACB's many references to "design document deficiencies" here and throughout its response. Is PACB attempting to associate its execution of a poor quality control function to alleged poor quality contract design documents? If so, the OIG disagrees with this association.

The quality of the contract design documents issue is outside the scope of the current audit and that discussion is not germane to resolving PACB's ineffectual implementation of its QC Program. The OIG believes that PACB's response to this audit is an inappropriate forum for it to air its complaints on a non-related issue. Quality control record keeping and documentation issues, we believe, are independent of contract design document issues.

Throughout its response, PACB refers to its Revised QCORG Program. In fact, many of the specific responses to audit recommendations continually refer to the Revised Program as remedying the reported exceptions. Incorporated as part of its response to the OIG, PACB includes an eight page *Executive Summary* of its Revised QC Program. This document is similar to PACB's other document entitled *Revised Quality Management Plan Overview*, which was the subject of review in CP&A's November 7, 2003 memorandum (Appendix C, PACMO's supplemental response). (See also footnote 3 herein.)

FINAL AUDIT REPORT CONSTRUCTION MANAGER'S QUALITY CONTROL PROGRAM NOVEMBER 13, 2003

The OIG notes that, in the *Overview* version first presented to the County (i.e., the version reviewed and attached to PACMO's supplemental response), PACB has this to say about its own QC Program:

ASSESSMENT AND OBJECTIVES

- "2. The plan currently in place is generally but not completely compliant with the Section 01440. Given the current realities of the project, the plan does not provide for adequate staffing, does not set forth an effective communication plan and does not adequately address some of the special requirements of this project.
- 3. The larger issue is one of execution. Documentation of quality activities is incomplete and sometimes unclear. Subcontractor compliance and participation has been uneven. Reporting of field inspections are too infrequent. Specific building deficiencies are being corrected, however, underlying causes of those deficiencies have not been addressed consistently."

Paragraphs two (2) and three (3) are noticeably absent from the Assessment and Objective section of the executive summary version presented to the OIG. Apparently, PACB thought much the same of its QC Program as did the OIG auditors, as these two statements show PACB's concurrence with the audit's *Summary Results* statement. However, by October 10, 2003, (date of PACB's response to the OIG) PACB had apparently changed its mind about these statements and removed the paragraphs from this section of the Executive Summary version.

* * * * * *

The Owner -- Miami-Dade County -- has every right to expect that PACB will provide a comprehensive, well-documented record of its QC Program activities, which is an integral element of its assurances that a performing arts center is being built to the contract's high quality standards. PACB is being paid over \$37.5 million (Construction Manger's Fee and General Conditions) to act as the construction manger building the PAC. These substantial fees should be sufficient to fund a quality QC Program, which is designed to ensure one of the project's main objectives -- that the public be delivered a quality performing arts center.

RESOLUTION TO BE SUBMITTED



CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

MAYOR AND COMMISSIONERS

CC:

JORGE GONZALEZ

CITY MANGER

FROM:

MATTI H. BOWER

COMMISSIONER

DATE:

January 5, 2004

RE:

For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the December 9, 2003 PACT Board Meeting and the December 8, 2003 PACT Executive Committee Meeting. I have also included the agenda for the upcoming meeting on January 15, 2004.

MB/lw

04 JAN -5 AM 10: 39

Agenda Item <u>F3</u>
Date <u>1-/Y-04</u>

Minutes of the Board Performing Arts Center Trust Tuesday, December 09, 2003 Temple Israel of Greater Miami

A meeting of the Performing Arts Center Trust was held at Temple Israel of Greater Miami, 137 Northeast 19th Street.

IN ATTENDANCE:

Matilde Aguirre Stanley Arkin Stuart Blumberg Matti Herrera-Bower Bruce Davidson T.Willard Fair Robert Ingram Fred Joseph Betsy Kaplan Susie Krajsa I. Stanley Levine Nancy Liebman Florene Litthcut Juan Loumiet Denise Mincey-Mills Jay Pons Antonio Roca Richard Shack Carol Ann Taylor Penny Thurer Parker Thomson Judy Weiser David Wilson Velia Yedra

PACT:

Michael Hardy
Gail Eaton
Elaiza Irizarry
Judy Litt
Justin Macdonnell
Adriana Perez
Teresa Randolph
Valerie Riles Robinson

PACMO STAFF:

Gail Thompson Mercedes Sosa Willie Peña

ABSENT:

Sonia Burini
Roger Carlton
Ruth Greenfield
James Herron
Elizabeth Ruth Johnston
Rep. Marco Rubio
Mario Ernesto Sanchez
Rosa Sugrañes
Cindi Zilber

OTHERS IN ATTENDANCE:

Ron Austin, VMS

Barbara Bisno, Miami Arts and Entertainment Council

Gilbert Cabrera, Office of the Chair, Board of County Commissioners

John Caliste, Performing Arts Center Foundation

Commissioner Barbara Carey-Shuler, Chair, Board of County Commissioners

Homero Dominguez, Architects International, Inc.

Lou Falzarano, IATSE Local 500

Nancy Herstand, Performing Arts Center Foundation

Dr. Anthony Japour, A.J. Japour Gallery

Bill Johnson, Asst. Miami-Dade County Manager

Kim Johnson, Office of Management and Budget

Ann McNeill

Jodi Paradise, Thorp and Co.

Antranette Pierre, CRA

Steven Pollock, Office of the Inspector General

David Schull, Thorp and Co.

Michael Spring, Miami-Dade Department of Cultural Affairs

Alec Steneck, Miami Space Time Project

Fred Tasker, Miami Herald

Doug Tober, SMG, Miami Beach Convention Center

Randy Volenec, Cesar Pelli & Associates

Performing Arts Center Chairman, Parker Thomson called the meeting to order.

Mr. Thomson informed the Board that during the Thanksgiving weekend James Herron was involved in a boating accident. He suffered numerous serious injuries and is at the Ryder Trauma Center. He will be transferred to Baptist Hospital next week and will be there for approximately one month.

Request for Excused Absences

Teresa Randolph requested retroactive excused absences for the November 11, 2003 meeting for Matti Herrera-Bower who was out of town. She requested excused absences for December 09, 2003 meeting for Mario Ernesto Sanchez and Roger Carlton who are out of town, and for Elizabeth Johnston-Dixon, James Herron and Sonia Burini who are ill. A motion to accept the excused absences was made by Stu Blumberg and seconded by I. Stanley Levine. The motion passed unanimously.

Approval of Minutes

A motion to approve the minutes of the November 11, 2003, Board meeting was made by Bruce Davidson and seconded by Denise Mincey-Mills. The motion passed unanimously.

Assistant County Manager Bill Johnson reported that on December 16, 2003, he will present a project status update to the Board of County Commissioners. His report will outline the progress that has been made over the last six to eight weeks. He will discuss an updated project schedule, quality assurance issues and the \$50 million of change orders submitted by PACB.

PACMO will also submit two action items to the Board of County Commissioners for approval.

1) Approval of URS contract - PACMO will seek retroactive approval of the County Manager's office selection of the firm URS. URS is a global firm with 25,000 employees that provides professional services. They were brought on board on an emergency basis November 03, 2003. Tim Ackert is the senior executive that has been assigned to the project. Mr. Ackert has been working closely with Gail Thompson and Bill Johnson assessing the project and developing a work program. The agenda item requests the approval of a two phase agreement. The first phase is for professional services from November 03 to December 19, 2003 with a not to exceed budget of \$250,000. The second phase will begin December 20 ending February 2004. This second phase has a not to exceed budget of \$500,000. PACMO is considering going back to the Board of County Commissioners in February 2004 with additional agenda items which may include a request to hire URS for the balance of the construction period to augment

2) Establishing of a temporary funding account - Disputes between PACB and the County over responsibility for costs related to changes in the work and project delays have negatively impacted cash flow to sub-contractors and the timely progression of the project. The County and PACB identified funds within the project budget and within the GMP to address these issues on an interim basis. The County will contribute \$4 million to a temporary funding account from its existing construction contingency and PACB will contribute up to \$7 million from its construction manager contingency which is part of the GMP. The temporary funding account will fund the changes without delaying payment to

the sub-contractors. The issue of who is responsible for the compensation will be decided during mediation or by the dispute resolution board.

Mr. Johnson went on to say that over the last 6 to 8 weeks incredible progress has been made. In late September the County Manager George Burgess, Bill Johnson and Gail Thompson met with the PACB's two principals. They all agreed that they would suspend the dispute resolution board for the remainder of this calendar year. It is a contractual right for PACB but the process is very time consuming and expensive. Disputes are trying to be resolved at the project management level. If the attempt is unsuccessful, the issue goes through the mediation process.

A motion to approve the two action items going before the Board of County Commission was made by Stu Blumberg and seconded by Stanley Arkin. The motion passed unanimously.

The County, CP & A and PACB are working together to develop a new schedule that will establish a firmer project completion date. The process is going well. Mr. Johnson also reported that CP & A's fee structure and rates will be renegotiated within the next two weeks.

Parker Thomson stated that a few months ago the PACT Board of Directors expressed concern about the project and requested the County Manager to carefully consider whether the contractor should be placed in default. The County Manager's response has been extraordinarily positive. Bill Johnson's management has been exemplary and the hiring of URS to conduct a comprehensive evaluation is a step in the right direction.

Mr. Thomson also acknowledged that PACB has made tremendous efforts for improvement. He introduced Ron Austin, who was brought in by PACB for quality assurance. Mr. Austin has extensive experience in constructing performing arts centers and has worked with Cesar Pelli for over a decade.

Construction Report

 Stanley Arkin reported that the project has reached several milestones. The exterior erection of steel is reaching its completion and installation of steel in the interior will continue. The installation of the exterior stone has begun on the north elevation of the intermediate level. Several Executive Committee members questioned whether the stone being installed is the same stone that was approved. Mr. Arkin presented photographs showing a comparison of the stone sample with the stone being installed.

Forty-four reverberation chamber doors will be recast; the other forty will undergo remedial work. All remedial work is subject to approval by the architect and the acoustician.

Willie Peña met with representatives from FDOT concerning the reconstruction of Biscayne Boulevard from 13th Street to 36th Street. FDOT has agreed to provide new streetscape improvements.

There are no new change orders this month.

Inspector General's Report

Steve Pollock stated that the Inspector General's Quality Control report was released last month. He has been working diligently with PACMO on mediation efforts. Parker Thomson commented that the executive summary and the County Manager's response were mailed to members of the Board of Directors. The full report is available to Board members upon request.

President's Report

Michael Hardy reported that the Finance Committee held a strategic planning retreat. Retreat minutes were mailed as part of the Board package.

During next month's meeting Justin MacDonnell will give an overview of several upcoming programming initiatives that will begin next spring and will continue until the Center opens. In a few weeks Mr. MacDonnell will make an official announcement concerning a partnership with the Rafael Peñalvar clinic in Little Havana for a stilt training program. The pilot program will be directed by internationally acclaimed stilt master David Clarkson and will be conducted six weeks in the spring and six weeks in the fall. Young people involved in the program will eventually participate in performances at the Center. This pilot program will provide young people with an introduction to the performing arts in an innovative and participatory manner.

Next month's Board meeting will take place on the stage area of the Carnival Symphony Hall. Please carefully review the next Board package for actual date and time.

Dr. Hardy introduced Gail Eaton. She will serve as the Center's new Director of Marketing. Ms. Eaton formerly served as the Vice President of Marketing and Communications for the Pittsburgh Cultural Trust.

Teresa Randolph is spearheading a series of meetings with the Resident Companies' Human Resource (HR) staff to study their HR needs and ways to work cooperatively. This endeavor is the result of the Knight Foundation Grant.

In February Judy Litt, who has served as the Administrative Assistant to the President will be promoted to Patron Services Manager. Dr. Hardy is actively seeking a new Administrative Assistant. Qualified candidates should be referred to the Executive

Elaiza Irizarry now serves on the Quality Control Team with PACMO and PACB. Ms. Irizarry and Ms. Litt are preparing RFP's for the ticketing system and for food service vendors.

School Board staff members are preparing an RFP to develop their property west of the Ballet/Opera House as a board-owned parking facility. Dr. Hardy met with representatives of the School Board and assisted with the preparation of the RFP. The approval of the RFP will go before the School Board at the December 10, 2003, meeting. Hopefully a developer will be selected by March 2004 and the parking facility will be complete by the time the Performing Arts Center opens.



Dr. Hardy showed a clip from a recent Channel 10 newscast featuring the Florida Grand Opera site tour. The story aired November 25.

Executive Committee Report

Parker Thomson reported that members of the Committee met with FDOT, City of Miami, Downtown Development Authority (DDA) and Miami-Dade County to discuss consistency in the reconstruction of Biscayne Boulevard. FDOT has developed comprehensive plans for areas north of 36th Street and south of 13th Street but the area between 13th Street and 36th Street has not been addressed. FDOT is willing to modify the scope of service for the area but changes will have to be approved by the Metropolitan Planning Organization (MPO). A follow-up meeting initiated by the DDA is scheduled for next week.

Finance Committee Report

David Wilson reported that the committee held the first part of its strategic planning session on November 17, 2003. The Committee reviewed the operating budgets for upcoming years and began to redefine its role and responsibilities. The pre-opening deficit is a major concern. The second meeting will be scheduled for January. The second meeting will include a brainstorming session to generate innovative ways of creating revenue from sources such as the digital media center and through intellectual properties. The Committee will also continue to investigate performing arts centers that generate revenue by serving as a community development corporation.

The Miami Space Time Project

Alex Stenek and Dr. Anthony Japour of A.J. Japour Gallery presented an update of the time-lapse project. Mr. Steneck is creating a virtual reality time-lapse video of the construction of the Center. Mr. Steneck has placed cameras at six sites surrounding the project. Each camera photographs the construction site every 20 minutes. Another camera will be installed on top of the school board administration building soon.

Performing Arts Center Foundation

The Foundation has raised \$53 million of its \$80 million goal. They have been active this fall soliciting new gifts and increasing gifts from current donors as they prepare to apply for a major national foundation grant in early winter. The fund raising climate has improved with potential prospects responding more positively. A number of Board members have been added to the Second Century Fund Committee. The Foundation is continuing to work with Sponsorship Management Group in seeking a naming opportunity for the Center. Many corporations have expressed interest in ongoing sponsorship opportunities at a lesser level. The Foundation will continue to aggressively cultivate and solicit major donors to help meet their \$12 million goal by June. The Premier Seating Program continues to be the most effective fund raising vehicle.

The Foundation will publish a new Commemorative Gift Opportunities brochure in mid-January to encourage greater donor participation in the Legacy Named Spaces Program. It will contain visuals as well as descriptions of the spaces to be named and schematics of the common Center spaces and principal levels of each major hall.

Department of Cultural Affairs

Michael Spring updated the Board regarding the construction of local cultural facilities. The most recent phase of work on The Gusman Center for the Performing Arts has been completed and the City of Miami recently approved \$500,000 to do additional work.

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These are the first City of Miami funds allocated to the project. Construction of the Florida Memorial College performing arts building is underway and should be completed next year. The Lyric Theater expansion project broke ground earlier this year and construction is in progress. Drawings for the South Miami Dade Cultural Center are nearing completion and the project should be ready for bidding early next year.

Parker Thomson commented that the Gusman, the Lyric Theater and Florida Memorial

Parker Thomson commented that the Gusman, the Lyric Theater and Florida Memoria College were all part of the Existing Facilities Program.

Meeting adjourned.

Reported by Valerie Riles Robinson



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Performing Arts Center Trust Executive Committee Minutes December 08, 2003 8:30 AM

A meeting of the Performing Arts Center Trust Executive Committee was held in the PACT Executive Office Conference Room 1444 Biscayne Boulevard, Suite 202

In Attendance: Stanley Arkin, Stu Blumberg, Roger Carlton, I. Stanley Levine, Juan Loumiet, Michael Hardy, Nancy Herstand, Florene Nichols, Valerie Riles Robinson and Parker Thomson

Performing Arts Center Trust Executive Committee Chairman, Parker Thomson called the meeting to order.

Construction Committee Report

Stanley Arkin reported that the reverberation chamber doors are a major concern. He is extremely concerned about 40 doors that must undergo remedial work. The company that fabricated the doors is willing to offer a 10 year warranty but if repairs are necessary the doors will be nearly impossible to access after installation. The company has agreed to recast 44 of the 84 doors.

PACB has \$57 million in change orders that relate mostly to alleged deficiencies in the construction drawings. During preconstruction PACB indicated that the plans were constructible, however, approximately three months later indicated the drawings had numerous deficiencies. The project completion date remains October 2005.

Parker Thomson commented that the coloring of the stone being installed seems greyer and darker than the sample selected by the PACT 4 years ago. Stanley Arkin stated that the stone fabrication is complete and that it is being shipped from Italy. Committee reviewed stone samples from CP&A's studio. Mr. Thomson asked that the sample be compared to the stone being installed. Elaiza Irizarry will make a site tour to verify that the correct stone is being installed.

Donor Wall

Michael Hardy is currently discussing the design of the donor wall with Pentagram. He has checked with other performing arts centers including the Kimmel Center in Philadelphia and the Kravis Center in Palm Beach. Dr. Hardy recommended that the wall should list elected officials who are in office at the time of the building's completion; donors of \$100,000 or more and all individuals who have served on the Boards of the Trust and the Foundation since the beginning of the project.

Stu Blumberg stated the donor wall should be reserved exclusively for donors. Volunteer Board members and elected officials should be acknowledged in a different manner. Mr. Blumberg added that elected officials who were in office at the beginning of the project should also be acknowledged.

Stanley Arkin expressed concern about listing the names of every Board member since 1988. Juan Loumiet suggested the names be limited to Board members who have served a minimum number of years.



Dr. Hardy suggested that two members of the Executive Committee and two individuals from the Foundation's Board be selected to form ad hoc committee charged with resolving the matter. Dr. Hardy will speak with Nancy Herstand and Woody Weiser concerning representatives from the Foundation.

Ms. Herstand expressed concern about the names listed on the perimeter fence. She suggested adding the names of the Foundation's and the Trust's Executive Committee members.

Dr. Hardy and Ms. Herstand are scheduled to meet with Ivan Rodriguez, Miami-Dade County Director of Art in Public Places, to explore the possibility of developing gifting or sponsorship opportunities for the art installations. Dr. Hardy will report the meeting outcomes at the next Executive Committee meeting.

Juan Loumiet inquired about the budget for the Art in Public Places installations. Parker Thomson requested a breakdown of the current Art in Public Places budget for the next Executive Committee meeting. The committee would also like a breakdown of how additional monies, that are the result of the expanded budget, will be allocated. Valerie Riles Robinson will request the information from Ivan Rodriguez.

Dr. Hardy met with Ivan Rodriguez to discuss the documentary recently commissioned by Art in Public Places. The project has been allocated a \$75,000 budget and will chronicle the Center's Art in Public Places projects. Dr. Hardy suggested to Mr. Rodriguez that the documentary be created in a digital format and that supplemental educational materials also be developed.

Dr. Hardy inquired about the amendment to the CP&A contract that is scheduled to go to the Board of County Commissioners for approval. Telecommunications is being added to the scope of work but the monies will be charged against the Center's FF & E budget. In February PACMO plans to go before the County Commission with the revised Management and Cooperation Agreements. The revised agreements delay the Foundation's payment of \$20 million to the County for one year. All of the operating policies have been moved from the body of the agreement into an attachment which can be easily amended.

There are four items from Assistant County Manger Bill Johnson's office that will need the Trust's approval at tomorrow's (December 9th) Board meeting. The items will be emailed to the Executive Committee by the end of the day.

Dr. Hardy asked whether minutes have been taken for past Construction Committee meetings. Stanley Arkin will check with PACMO staff.

Finance Committee

As part of the retreat, the Finance Committee reviewed an estimate of all PAC costs except the construction overrun. The Committee would like to meet with members of the Foundation's Board to identify potential public and private funding sources. Once private and public sector funding has been identified the Committee proposes having a strategic planning session with representatives from the Miami-Dade County Budget Office to discuss any remaining budget shortfalls.



Stu Blumberg asked whether the PAC bonds can be increased in order to help meet the capital and operational shortfall. Roger Carlton stated that before the Trust considers issuing the next series of bonds a new baseline for the construction costs, FF & E costs and the operations costs should be established. The URS study will provide an independent opinion of what the building should cost and recommendations concerning how the issues can be resolved.

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Parker Thomson requested that the item be deferred until further notice.

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112 113 The Finance Committee also suggested that a Human Resources subcommittee be formed to review the Center's proposed staffing structure and fringe benefits plan. The Executive committee decided that these issues should come under the auspices of the Management Committee.

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Trust-Foundation Joint Venture

Dr. Hardy deferred the item until the January Executive Committee meeting.

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Parker Thomson reported that members of the Trust board met with representatives from FDOT concerning Biscayne Boulevard between 13th Street and 36th Street. A follow-up meeting is scheduled for next week. Other items discussed included an update of reconstruction plans south of 13th Street and north of 36th Street. The area south of the 13th Street will include on-street parking in order to create a more pedestrian friendly boulevard.

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Parker Thomson announced that there will be a meeting tomorrow of the Omni Redevelopment Plan Steering Committee. Mr. Thomson and Commissioner Johnny Winton serve as co-chairs.

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Mr. Thomson also reported that Dr. Hardy met with staff members from the School Board concerning the development of an RFP for a parking facility on their property west of the Ballet Opera House. Mr. Carlton also reviewed the document and offered comments. The item goes before the School Board for approval on December 10, 2003.

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Stu Blumberg suggested the Trust invite the Mayor, Commissioners and City Manager from the City of Miami Beach to visit the construction site. He also suggested that Michael Hardy and Justin Macdonnell make a presentation at the January City of Miami Beach Commission meeting. Mr. Thomson suggested Dr. Hardy and Mr. Macdonnell be placed on the Commission agendas for the City of Miami Beach and the City of Miami in February instead.

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Meeting adjourned.

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AGENDA

PACT BOARD MEETING Thursday, January 15, 2004 Carnival Symphony Hall Stage 1330 North Bayshore Drive 4:00 PM

- I. Request for Excused Absences
- II. Approval of Minutes
- III. President's Report, Michael C. Hardy, PACT President and CEO
- IV. PACT Committee Reports
 - A. Executive Committee
 - B. Finance Committee
 - C. Management Committee
 - D. Construction Committee
 - 1) Inspector General's Report
- V. Reports
 - A. Department of Cultural Affairs
 - **B. PACT Board Members**
- VI. Other Business

The next "Hard Hat" Performance will be on Friday, January 9, 2004, 12 Noon, on – site, featuring Amber Leigh.